# Study of the Committee for the Review of Child and Family Services



Legislative Counsel Bureau

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# STUDY OF THE COMMITTEE FOR THE REVIEW OF CHILD AND FAMILY SERVICES

BULLETIN NO. 93-19

Interim Finance Committee of the Nevada State Legislature

September 1992

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#### **SUMMARY OF RECOMMENDATIONS**

The Interim Finance Committee's Committee to Review Child and Family Services has developed the following recommendations and findings. The recommendations and findings are based upon: (1) testimony presented to the Committee at its public hearings; (2) a review of written information and comments provided to the Committee; and (3) the experience and knowledge of the members of the Committee.

## I. RECOMMENDATIONS CONCERNING AGENCY PROGRAMS

- 1. Support and encourage the continuation of the reorganization of the Division of Child and Family Services.
- 2. Encourage the Division to identify and pursue their major budget account and category revisions for presentation to the next session of the Legislature and specifically the budget Committees.
- 3. Urge the Director of the Department of Administration to classify Child Protective Services' workers as public safety employees.
- 4. Encourage the Division to maximize the earning of federal dollars by pursuing case management reimbursement through Medicaid.
- 5. Urge the Division to develop a memorandum of understanding with the Budget Office adopting Child Welfare staffing standards.
- 6. Encourage the Division to pursue accreditation from Joint Commission on Accreditation of Health Care Organizations (JCAH-O) for Northern Nevada Child and Adolescent Services and Southern Nevada Child and Adolescent Services.
- 7. Require, by statute, that the Division, in consultation with the Legal Division of the Legislative Counsel Bureau, develop fee schedules for all services provided by the Division. (BDR 18-408)
- 8. Urge Nevada's Congressional delegation to redirect legislation before Congress concerning foster care to emphasize additional funding for family preservation services.
- 9. Require, by statute, that the Division of Child and Family Services adopt regulations concerning the adoption process if assigned the duties of the Welfare Division concerning adoption. (BDR 18-400)

# II. RECOMMENDATIONS CONCERNING THE ADOPTION PROCESS

### Adoptive Parents

- 10. Amend statutes to allow any licensed child placing agency to receive an adoption request and complete the required home study investigation. Should a licensed child placing agency decline to provide these services, the Division would still be required to complete the study within the required 60-day time period. (BDR 11-402)
- 11. Require, by statute, that health insurance policies sold or issued within Nevada provide coverage for medical costs paid by adoptive parents, including birth expenses, that are incurred as part of their adoption fees. Further, provide that coverage for adopted children or children placed for adoption include care and treatment from birth, including coverage for congenital defects and birth anomalies. (BDR 57-409)
- 12. Amend statutes to allow adoptive and biological parents to agree to waive confidentiality of adoption proceedings and allow the parties, by mutual consent, to share identifying information. Either of the parties may choose to exercise the option of maintaining the traditional, confidential approach. (BDR 11-403)
- 13. Encourage the Division of Child and Family Services to include an adoptive parent, as a non-voting unpaid volunteer, on any Division decisionmaking panels which review home study reports for prospective adoptive parents, as required under statute. The adoptive parent member(s) would be selected by the administrator from a list submitted by adoptive parent support groups.
- 14. Require, by statute, that the Division of Child and Family Services adopt regulations defining the criteria used to determine what constitutes an "unsuitable" home for adoption. Further, require that the Division provide prospective adoptive parents an opportunity to review an adverse report with the agency prior to its submission to the court. (BDR 11-410)

## Promotion of the Adoption Alternative

- 15. Amend statutes to eliminate the financial "means test" for the Division's subsidy program to encourage the adoption of special needs children. This would allow the Division to combine its statutory subsidy program with its Federal subsidy program. (BDR 11-404)
- 16. Encourage the Division to include in their budget request, funding for a pilot program, similar to the Single Parent Program recently deleted from the

agency's budget. The program would provide support services for certain birth mothers who choose to place a child for adoption. Eligibility for the program would be determined by the Division of Child and Family Services based upon need and upon presumed eligibility for certain social welfare programs should the mother have decided not to relinquish the child for adoption. Services would include job training, educational assistance, housing assistance, and other services that would have been available to the biological mother, should she have decided not to place the child for adoption.

17. Urge that school districts make available information concerning adoption to students in secondary school. Further recommend that the adoption information booklet required under *Nevada Revised Statutes* 127.009 be distributed by the Division of Child and Family Services to all high schools and made available to interested students.

Further, allow the Division, by statute, to accept gifts and grants to assist in the production and distribution of the booklet. (BDR 11-406)

- 18. Encourage the State Department of Education to make a report to the 1993 Nevada Legislature concerning the implementation of Assembly Concurrent Resolution No. 28 (File No. 132) of the 1991 Legislative Session. The resolution urges the State Department of Education and county school districts to provide information to pupils about adoption and the financial responsibilities of raising children.
- 19. Encourage the Division of Child and Family Services to utilize additional national placement services for special needs children, such as The CAP Book, Inc., and the Downs Syndrome Adoption Exchange.

#### <u>Relinquishment</u>

- 20. Establish by statute that each licensed child placing agency, including the Division of Child and Family Services in Nevada's Department of Human Resources, utilize the services of a licensed clinical social worker who is not affiliated with the agency to witness a relinquishment form. Exemptions would be allowed in rural areas of the State when required personnel are not available. (BDR 11-407)
- 21. Amend statutes concerning advertising and soliciting by nonlicensed or out-of-state adoption entities, to prohibit any advertising by such entities that offer adoption advice, counseling or services. Further, provide that violation of this provision be considered a gross misdemeanor. (BDR 11-405)

#### **III. FOSTER CARE**

- 22. Amend current statutory provisions regarding state liability to include foster parents as immune contractors of the state. These provisions would, except under certain circumstances, apply to liability by the foster parent to biological parents for damages sustained by a foster child, and liability to others for damages caused by a foster child. The provisions also allow for a defense by the attorney general upon timely request, and require the state to pay an award of damages not to exceed \$50,000. (BDR 3-401)
- 23. Encourage the Division to include in their budget request increased compensation, within available revenues, for persons licensed to conduct family foster homes.
- 24. Encourage the Division to include in their budget request funding to provide respite care services on a limited basis, within available revenues, for certain family foster parents with severely disabled children.
- 25. Provide, by statute, that a foster parent receiving compensation for board and care, school supplies and clothing allowances, is entitled to receive cost-of-living increases applied to his compensation equivalent to the annual percentage increase in the Consumer Price Index (CPI) for All Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor, in the preceding calendar year. (BDR 38-490)
- 26. Encourage the Division to include an additional \$15,000 per year in its budget request to provide additional training and retention programs for foster parents, in excess of what is required for licensing.

#### **FINDINGS**

- Encourage the Division to submit required statutory changes necessary to allow for the permanent reorganization of the agency.
- Encourage the Division to pursue, through the budget process, the reassignment of rural Mental Health staff serving children (persons aged 18 and under) from the Division of Mental Hygiene and Mental Retardation to the Division of Child and Family Services.
- Include in the final report, a statement of the Committee's support for rural mental health services for children, regardless of which state agency provides these services.
- Include in the Committee's final report a complete copy of the Division's recommendations.

Encourage the Nevada Legislature's Committee on Health Care to include in its review program a study of the incidence and prevalence of newborns who have been exposed prenatally to alcohol and/or other drugs. Further, that the Committee on Health Care review existing programs and services within the state that may be utilized to reduce the number and severity of drug and alcohol exposed infants. The Committee also suggested that the Legislature's Health Care Committee consider informing and involving the Health Division's Maternal and Child Health Advisory Board in the potential study.

#### REPORT OF THE INTERIM COMMITTEE FOR THE REVIEW OF CHILD AND FAMILY SERVICES TO THE MEMBERS OF THE NEVADA LEGISLATURE'S INTERIM FINANCE COMMITTEE

#### I. <u>INTRODUCTION AND BACKGROUND</u>

The Sixty-sixth Session of the Nevada Legislature, in 1991, adopted Senate Bill 611, (Chapter 643, Statutes of Nevada, 1991) which, in part, abolished the Youth Services Division and created the new Division of Child and Family Services. Section 44 of Senate Bill 611 created an interim legislative committee to review actions taken by the Director of the Department of Human Resources in creating the new Division as well as studying the interaction between the department and agencies of local government regarding the provision of services to children and families. Section 44 also directed the Committee to study public and private programs for the adoption of children and the demand for and success of such programs.

The members of the Committee appointed to conduct the study were:

Senator Diana M. Glomb, Chairman Assemblywoman Jan Evans, Vice Chairman Senator Bob Coffin Senator Raymond D. Rawson Assemblyman David E. Humke Assemblywoman Myrna T. Williams

Legislative Counsel Bureau staff services for the Committee were provided by: Larry L. Peri, Program Analyst; Mark Stevens, Assembly Fiscal Analyst; H. Pepper Sturm, Principal Research Analyst; Steven J. Coburn, Deputy Legislative Counsel and Charlotte Adams, Secretary.

The Committee held six meetings, all in Carson City and conducted its study through the public hearing process. Three of the six meetings were teleconferenced to Las Vegas which allowed members of the Committee and the public from Las Vegas to participate in the meetings and provide testimony. The Committee received considerable testimony concerning the consolidation of children's services through the creation of the Division of Child and Family Services and also on the practice of adoption, both public and private, in the state of Nevada. The Committee reviewed a great deal of information and has attempted in this report to present its findings and recommendations briefly and concisely. All supporting documents and meeting minutes are available from the Fiscal Analysis Division of the Legislative Counsel Bureau. The Committee wishes to recognize and thank the many individuals who attended and participated in its meetings for their cooperation and assistance in

providing valuable information about services to children and families and adoption in Nevada (see Appendix D).

This report, submitted in compliance with Section 44 of Senate Bill 611, is transmitted to the members of the Nevada Legislature's Interim Finance Committee for their consideration.

Respectfully submitted,

Senator Diana M. Glomb, Chairman

Committee for the Review of Child and Family Services

## II. HISTORY, ORGANIZATION AND OVERVIEW OF THE DIVISION OF CHILD AND FAMILY SERVICES

#### A. Agency Reorganization and Program Changes

The 1991-93 Executive Budget recommended and the 1991 Legislature approved the creation of the new Division of Child and Family Services. Through the passage of Senate Bill 611, the Youth Services Division was abolished and the creation of the new Division of Child and Family Services was authorized. In proposing the new Division, the Department of Human Resources indicated that programs and services for children and families were spread throughout various divisions in the Department, which resulted in a fragmented service delivery system. The Department proposed consolidating services to children and families from the Divisions of Mental Hygiene and Mental Retardation, Welfare, Health and Youth Services into a single centralized division with the intent of providing a more effective and integrated service delivery system.

The Department proposed that the new Division be divided into three major functional areas: treatment services; family support services; and corrections.

In approving the creation of the new Division and through the passage of Senate Bill 611, the 1991 Legislature made numerous adjustments to the recommended new Division. While endorsing the three separate functional areas, the legislature directed that Special Children's Clinics be retained within the Health Division and not be included in the new Child and Family Services Division.

The legislature also preferred that the Department of Human Resources implement the new Division on a smaller scale than was initially recommended in The Executive Budget. Through the passage of S.B. 611, the legislature allowed for the immediate transfer to the Division of the Children's Resources Bureau from the Office of the Director, all services and programs of the current Youth Services Division and case management and related family support services from the Welfare Division. The remaining Child and Family Service programs from both the Welfare Division and the Division of Mental Hygiene and Mental Retardation, including both the Northern and Southern Nevada Child and Adolescent Programs, were approved for a gradual transfer into the Division over the 1991-93 biennium. See Exhibit 1 for an organizational chart of the Division of Child and Family Services.

Senate Bill 611 also amended Chapter 395 of NRS which formerly authorized the Superintendent of Public Instruction to provide for the education and care of handicapped pupils if an appropriate school educational program was not available in the pupil's own school district. As amended, Chapter 395 of NRS now requires the Department of Human Resources, under the supervision and the approval of the Superintendent of Public Instruction, to provide special education programs and related services for children who are autistic, severely/emotionally handicapped or

Child Care Board

DIVISION OF CHILD

AND FAMILY SERVICES

Administrator

John Sarb

Child and Family Svcs

Advisory Board

CASE MANAGEMENT -

Rural

suffering from traumatic brain injury, if local school districts are unable to do so. The Department of Education continues to provide special education programs and related services to pupils with other handicaps. While the Committee's review of this program was limited, it should be noted that this provision has a sunset clause and will expire on June 30, 1993.

Following, are summary descriptions of each of the programs within the three major functional areas of the Division of Child and Family Services.

#### Treatment Services

The Treatment Services component of the Division of Child and Family Services includes four major units, consisting of: Early Childhood Services; Purchased Placement Services; Southern Nevada Child and Adolescent Services; and Northern Nevada Child and Adolescent Services (see organizational chart, Exhibit 2). Early Childhood Services provides developmental and mental health services to children ages birth to six years and their families. The goal of the program is to provide early, intensive treatment to the child and family in an effort to prevent later, more costly institutionalization.

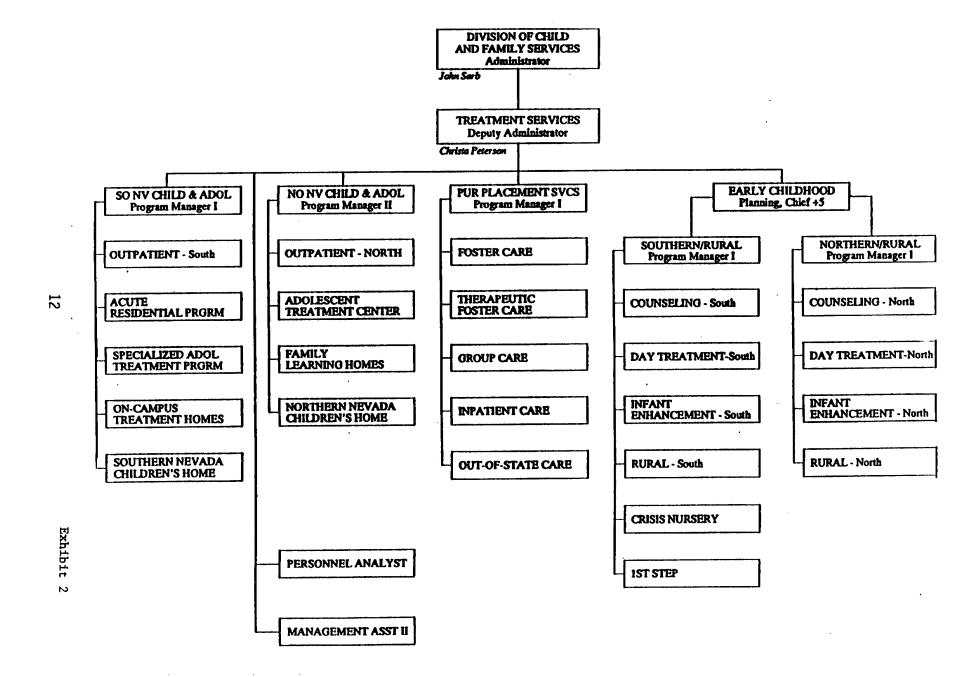
Purchased Placement Services provides mental health and substitute care services to children under the Division's care. This unit's primary goal is to maintain a statewide gatekeeping and admission process for all children referred for purchased residential services at any level higher than family foster care. The unit also monitors children in out-of-state placements and provides quality assurance, rate setting, resource development and financial/client tracking services. It also provides training and clinical support to foster parents in an effort to maintain difficult placements.

Southern Nevada Child and Adolescent Services provides assessment and mental health treatment services to school-aged children and adolescents through a range of out-patient, day treatment and residential programs. The program focuses its resources on severely disturbed youth, including those from multi-problem families and those who lack viable family resources. The reorganization of children's services has also placed the Southern Nevada Children's Home under the authority of this program. The Southern Nevada Children's Home provides long-term residential placement for neglected, abandoned, abused and orphaned children.

Northern Nevada Child and Adolescent Services provides similar mental health services as Southern Nevada Child and Adolescent Services to emotionally and/or behaviorally disturbed children, adolescents and their families. The continuum of services includes out-patient counseling, day treatment and residential programs.

## Family Support Services

The mission of the Family Support Services component is to provide crisis intervention, assessment and case management services to families with children at



risk of abuse or neglect to help preserve the family, protect children and ensure children grow up in a permanent, safe home. Services are divided into two major areas, front-end programs and Child Welfare case management services (see organizational chart, Exhibit 3).

Front-end programs include Centralized Intake and Specialized Assessment units in both Las Vegas and Reno. These units were formerly titled the Children's Resources Bureaus and strive to provide a single point of contact that is recognizable by and accessible to children and families in the community. Also a part of front-end programs are Intensive Family Services, which is comprised of Family Preservation Programs in Las Vegas and Reno; the Family Crisis Intervention Program in Las Vegas; and the Clinical Case Management Program in Reno. Both the Family Crisis Intervention Program and the Clinical Case Management Program are relatively new and were implemented by the Division in fiscal year 1992.

Child Welfare Case Management Services encompasses three major areas including Child Protective Services, Substitute Care and Adoptions. Child Protective Services, which is the entry point to the Child Welfare System, provides services to children who are in danger of or who have been or may be abused, neglected or exploited. These services include public awareness, identification, evaluation, placement counseling and treatment.

Substitute Care Services are provided to children and their families who cannot reside together because the child is in need of protection. The goal of the program is to provide the child with a permanent home either through rehabilitation of the parent's home, placement with relatives or other permanent care, such as adoption. Children are placed in foster homes, specialized treatment homes or residential facilities.

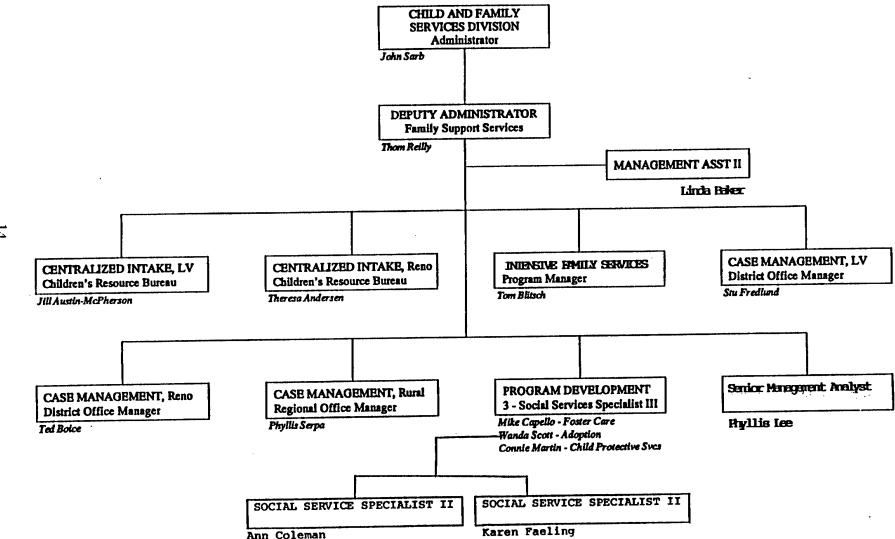
The Division's adoption program is developed around children who cannot be raised by their birth parents and who need and can benefit from new and permanent family ties established through legal adoption. The Division currently provides adoption services for all specific (private) adoption arrangements, as well as for children in the Division's custody or in the custody of an out-of-state agency placing children into Nevada.

#### Corrections

The Corrections component of the Division of Child and Family Services consists of the Nevada Youth Training Center; the Caliente Youth Center; the Youth Parole Bureau; and Alternative Juvenile Justice Programs, including Probation Subsidies and Office of Juvenile Justice and Delinquency Prevention Programs (see organizational chart, Exhibit 4). The Corrections component is charged with providing residential care and treatment to delinquent youth and developing standards for carrying out programs aimed toward the prevention of delinquent acts of children. Corrections is also charged with developing and assisting in carrying out programs for the diversion

#### DIVISION OF CHILD AND FAMILY SERVICES

#### FAMILY SUPPORT SERVICES



of juveniles out of the judicial system and programs for the after-care of juveniles who have been released from state institutions, including those who have been brought before the Juvenile Court or have otherwise come into contact with law enforcement agencies.

#### Licensing Bureau

The Licensing Bureau of the Division of Child and Family Services encompasses Child Care Services, Foster Care Licensing, Child Placing Agency Licensing and administers the Interstate Compact on the Placement of Children. Child Care Services has the responsibility for licensing, monitoring and providing technical assistance to child care facilities not licensed by local entities which care for five or more children. All areas of responsibility are monitored for illegal unlicensed child care operations with all complaints being investigated. The Division also has responsibility for licensing, monitoring and providing technical assistance to foster and groups homes. The licensing process determines if the foster or group home is safe for children and whether the foster parents can provide suitable care for the children placed.

The Division has similar responsibilities in licensing and monitoring child placing agencies in Nevada. Agencies must be able to provide the full range of adoption and foster care services. The Division also participates in the Interstate Compact on the Placement of Children (ICPC) which is a binding agreement among states and serves as a reciprocal instrument to ensure interstate cooperation. The ICPC applies to any child leaving or entering the state for preliminary adoption placement or foster care placement and assures the same protection and service that the child would have been provided if he/she remained in their home state.

#### Administration

The Division also has an administrative support component for the administrative office located in Carson City. This component includes accounting, personnel and clerical/word processing functions and provides coordination and assistance to the other budget accounts within the Division.

## B. <u>Issues and Recommendations</u>

### Continuation of the reorganization

The 1991 Legislature, in approving the creation of the Division of Child and Family Services, preferred and recommended that the Department of Human Resources implement the reorganization on a smaller scale than initially recommended in <u>The Executive Budget</u>. Through the passage of Senate Bill 611, the legislature allowed for the immediate transfer of the Children's Resources Bureau from the Office of the Director into the Division, along with all services and programs of the existing Youth Services Division and case management and related family support services from the

Welfare Division. These transfers were allowed through statutory amendments included in Senate Bill 611. The bill also gave the Director of the Department of Human Resources the administrative authority to transfer the remaining Child and Family Services programs from the Welfare Division and the Division of Mental Hygiene and Mental Retardation into the new Division through a gradual phasing-in process over the course of the 1991-93 biennium. The actions taken by the Director administratively have not been effected permanently by statutory amendments and will require review and approval by the 1993 Legislature.

The Committee, in reviewing program changes which were administratively enacted by the Department, requested, on several occasions, detailed proposed statutory amendments for the permanent assignment of powers and duties to the Division of Child and Family Services. It should be noted that the study concluded without the Committee receiving the requested information. Although the Committee was unable to review specific detailed proposals on the future permanency of elements of the new Division, the Committee felt that the creation of the Division was a positive effort that was showing improvement in the consolidation of services provided to children and families.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

1. Support and encourage the continuation of the reorganization of the Division of Child and Family Services.

## **Budget Account Revisions**

The Division, on several occasions, provided testimony to the Committee regarding the number and diversity of budget accounts included in the new Division. Specifically, the Division stated that consideration be given to consolidating various budgets into fewer accounts to alleviate internal accounting problems. The Division felt that budget accounts should be consolidated to better reflect the functional reorganization of the Division.

One example pointed out by the Division involves the purchase of residential services. The Division testified that presently, there are up to seven different budget accounts which allow for the purchase of residential services. Further, independent contracts with service providers often include up to five different budget accounts and up to seven different expenditure categories which often causes confusion. To alleviate this problem, the Division recommended that consideration be given to consolidate all accounts for the purchase of residential services into one budget account. The Division felt that this would be easier to administer and less time consuming.

While the Committee was generally supportive of this proposal, concern was expressed that it was difficult to approve and recommend budget changes that the

Committee had not been able to review. Since the budget submittals to be included in <u>The 1993-95 Executive Budget</u> were still being completed, as well as the lack of specific statutory amendment language as described in the Committee's first recommendation, the Committee was unable to develop a specific recommendation in this area. The Committee felt that the 1993 Legislature would be better able to review the complete package of proposed changes developed by the Division.

Therefore, the Committee voted to:

2. Encourage the Division to identify and pursue their major budget account and category revisions for presentation to the next session of the Legislature and specifically the budget Committees.

#### Public Safety Employees

Prior to the beginning of fiscal year 1992, the Department of Administration imposed a hiring review process for state agencies within the Executive Branch. With the exception of the offices of the Governor, Attorney General, Controller, Secretary of State, Treasurer and the University of Nevada System, all agencies were required to follow the hiring review process for all classified and unclassified vacant positions. As the state was experiencing revenue shortfalls, this procedure was designed to limit the filling of vacant positions in order to generate budgetary savings. Also exempted from the hiring review process were certain positions jointly identified by the Departments of Administration and Personnel as being "critical to public safety or client care".

The Division of Child and Family Services provided testimony to the Committee regarding delays experienced in filling vacant Social Worker positions assigned within the Child Protective Services area of the Division. These Social Worker positions were not included by the Departments of Administration and Personnel as being critical to public safety or client care. Although information provided to the Committee by the Budget Division during the study showed that the Budget Division had reacted favorably to most requests by the Division to fill vacant Social Worker positions, the Committee felt that positions identified as critical to the protection and well being of children should be exempted from the position hiring review process. Specifically, the Committee felt that those positions which provide direct public safety and protective services to children, including initial investigations of abuse and neglect should be exempt. The exemption would allow vacant Social Worker positions to be filled expediently and would minimize delays or shortages of staff in providing essential services.

Therefore, the Committee voted to:

3. Urge the Director of the Department of Administration to classify Child Protective Services' workers as public safety employees.

It should be noted that since the Committee's final work session on June 19, 1992, the Department of Personnel, on July 8, 1992, issued a memorandum revising the hiring review process. The Department indicated that the amended review process was necessary to implement the Governor's most recent budget reductions. The memorandum indicated "that positions formerly exempted as being critical to public safety or client care are now subject to the position hiring review".

#### Maximize Federal Funding

During the course of the study, the Division made several references to the development of a proposal that would allow the Division to recover additional federal Title XIX Medicaid funds without increasing the general fund dollars required for match purposes. The Division indicated that a considerable number of states have amended their state Medicaid plans to receive reimbursement for case management services to targeted groups. The Division has identified case management services as an allowable category for collecting Medicaid reimbursement for most of its front end prevention programs. The Division stated these services, as well as others provided by the front end programs, such as specialized assessments conducted by the Division's Centralized Intake and Assessment Units and clinical services provided by the Family Preservation Program and Crisis Intervention Program, are billable to the federal Medicaid program as long as the children receiving services are Medicaid eligible.

The Division's proposal, which as of the Committee's final June 19, 1992 work session had not yet been finalized, would propose to use existing state general fund positions as the 50 percent state match and bill the federal Medicaid program for the remaining 50 percent of the allowable services. The Division stated that no new general fund dollars would be needed. The Division suggested that if the proposal was successful the additional federal funds earned could be utilized to add new positions and increase services.

While the Committee was cognizant that the Division had not yet finalized the Medicaid funding proposal, approval was given in concept and the Committee voted to:

# 4. Encourage the Division to maximize the earning of federal dollars by pursuing case management reimbursement through Medicaid.

#### Staffing Standards

On several occasions, the Division provided testimony to the Committee regarding their recommendation that additional staff were needed for the Child Welfare Case Management Program. The Division indicated that this program was severely understaffed and jeopardized the Division's ability to follow up on complaints of abuse and neglect in a timely fashion and to properly monitor, plan for and treat children in out-of-home care. The Division further stated that large caseloads reduce

family reunification and permanency planning efforts which translates into children remaining in custody longer and increased Child Welfare costs.

The Division provided an analysis which shows that the Child Welfare Program is 24 Social Worker positions short in comparison to the Division's staffing standards (see Exhibit 5). (Note: Actual calculations net 22 positions.) The Division also submitted a chart comparing Nevada Child Welfare caseload standards versus Child Welfare League of America standards and those used by the states of Arizona, Utah and Oregon (see Exhibit 6). While no specific action was taken on recommending new positions, the Committee felt that the Division should pursue this subject further with the Budget Office.

Therefore, the Committee voted to:

# 5. Urge the Division to develop a memorandum of understanding with the Budget Office adopting Child Welfare staffing standards.

The following chart outlines child welfare caseloads by category, justified positions and actual positions allocated to a substitute care, CPS or adoption caseload.

Staffing	Caseload	Actual	Justified	Actual	Actual Caseload
<u>Standard</u>	Category	Caseload	<u>Positions</u>	<u>Positions</u>	Per Position
35	Substitute Care	2,269	65	54.86	41.4
16	CPS-Initial Reports	245	15	11.40	21.5
25	CPS-Ongoing Services	416	17	12.06	34.5
8**	New Foster Home Application	25	3	2.00*	12.5
30**	Relicense Foster Home	27	1	2.00*	13.5
53	Adoptive Placement	203	4	8.68***	23.4
370	Approved Adoptive Home	78	.2		
30	Adoptive Studies	117	4		
370	Subsidized Adoption	162	.4		
35	Adoptive Parent Services	101	3		
246	Step/Relative Adoption	88	.3		
3 <b>73</b>	Adoption Inquiries	180	.5		
			114	90	

Combined New Foster Home Applications and Relicense in Rural Nevada only

<sup>\*\*</sup> Does not include Reno and Las Vegas

<sup>\*\*\*</sup> All adoption services combined

Caseload Category	DCFS STDS	CWLA STDS	Arizona STDS	Utah STDS	Oregon STDS
Substitute Care	35	20-30*	17	18	40.2
CPS Initial	16	12	9.75*	18	14
CPS Ongoing	25	17	17	20	27
New Foster Home App.	8	NA	NA	NA	NA
Relicense Foster Home	30	NA	NA	NA	NA
Adoptive Placement	53	10-20***	NA	20***	24***
Approved Adoptive Homes	370	NA	NA		
Adoptive Studies	30	30****	NA		
Subsidized Adoption	370	NA	NA		
Adoptive Parent Svs.	35	30****	NA		
Step/Relative Adoptive	246	NA	NA		
Adoptive Inquiries	373	NA	NA		

<sup>\*</sup> Depends upon the difficulty of a case

Exhibit 6

<sup>\*\*</sup> In Arizona the legislature recognizes the child welfare agency is not funded at 100% of the reports received. Reports are prioritized and the caseload for initial CPS reports is capped at 12 per case worker.

<sup>\*\*\*</sup> Includes all adoption services

<sup>\*\*\*\* 30</sup> families per 1 social worker with prospective adoptive families

## Accreditation from Joint Commission on Accreditation of Health Care Organizations

The Division submitted information to the Committee stating that Northern Nevada Child and Adolescent Services' and the Southern Child and Adolescent Services' residential facilities were not appropriately licensed or accredited. Reference was made by the Division to an earlier interim study the Division of Mental on Hygiene and Retardation (Bulletin 89-19) which recommended that all Division facilities meet appropriate standards by July 1, 1992. Division has completed feasibility studies of the facilities to determine what resources would be necessary in order to pursue accreditation. A detailed listing of positions and resources plus costs is included in Appendix B, within the Treatment Services component.

The Division highlighted two major advantages to accreditation. The first would increase the likelihood that state facilities operate with an acceptable standard of care that ensures safe and appropriate treatment for clients. The second advantage would increase eligibility for medical reimbursements under state and federal guidelines. The Division felt that additional federal funds and private insurance collections could be recovered if the two facilities were accredited.

While the Committee was encouraged by the potential benefits of accreditation, they were also aware of the initial fiscal impact of new positions and resources necessary to pursue accreditation. The Division estimated that an approximate amount of \$453,320 to \$679,980 in new general fund support would be needed in the early stages of the process, prior to being able to earn additional reimbursements. While the Committee did not take specific action on the Division's recommendation, the Committee voted to:

6. Encourage the Division to pursue accreditation from Joint Commission on Accreditation of Health Care Organizations (JCAH-O) for Northern Nevada Child and Adolescent Services and Southern Nevada Child and Adolescent Services.

#### Fee Schedules for Services

The Division testified that many of the families served by the Division of Child and Family Services are below the poverty level or have significant financial problems. Further, the overall cost of the Division's preventive services are beyond the ability of most families to pay. The Division identified the need to develop a fee schedule with a waiver for low income families to allow services to be provided to families at low or no cost with the ultimate goal of reducing out-of-home placements and their corresponding costs.

The Division felt that the development of a sliding fee schedule, while reducing collections of fees for services, would be far out-weighed by the reduction of out-of-home placements in foster care, acute psychiatric and residential programs.

Therefore, the Committee voted to:

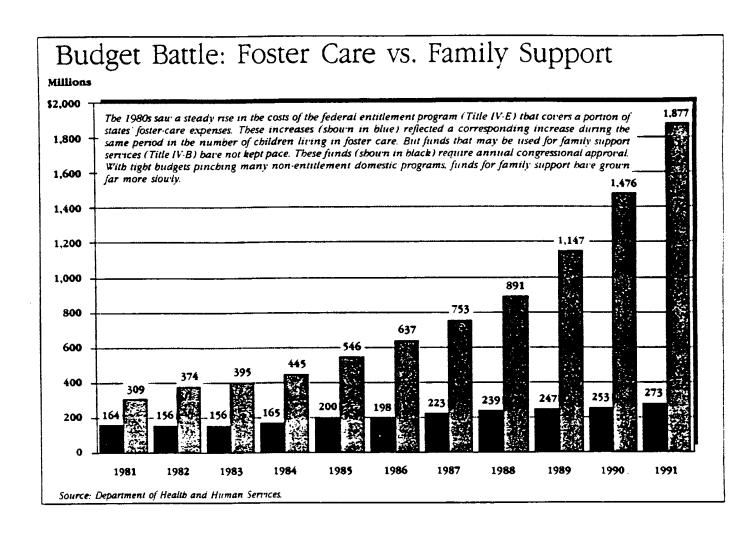
7. Require, by statute, that the Division, in consultation with the Legal Division of the Legislative Counsel Bureau, develop fee schedules for all services provided by the Division (BDR 18-408).

#### Additional Funding for Family Preservation Services

The Division provided testimony to the Committee which expressed its concern over current federal funding guidelines for foster care programs and preventive and support services. Under existing federal regulations, Title IV-E funds for out-of-home care are supported by an open-ended entitlement that grows automatically according to need. It is a reimbursement process that allows states to request reimbursement for services provided, regardless of the ultimate cost.

In contrast, preventive and support services are financed by Title XX and Title IV-B funds which are capped annually and have grown minimally in the past decade. The end result, according to the Division, is that the federal government makes significantly more money available to states for out-of-home placements than for support services which strive to strengthen families and prevent removal of children into out-of-home care. A comparison of the growth of Title IV-E funds versus Title IV-B funds in the last ten years is shown in Exhibit 7; source, U.S. Department of Health and Human Services.

The Division stated that the increase in expenditures for substitute care in Nevada is alarming. Nevada spent approximately \$5.1 million in FY 1987 compared to an estimated \$11.6 million in FY 1993. In addition to the financial costs, the human costs for the systems' failure to support, reunify and strengthen families and to provide intensive assistance in times of stress and crisis are also high. The Division recommends that efforts be made to increase funding for Family Preservation Programs which are designed to keep families together versus increased spending on the out-of-home placement of children.



At this time, there is legislation pending before Congress which would increase Family Preservation funds. Therefore, the Committee recommended to:

8. Urge Nevada's Congressional delegation to redirect legislation before Congress concerning foster care to emphasize additional funding for family preservation services (see Exhibit 8).

#### **Adoption Regulations**

During the Committee's final work session, testimony was provided by a representative of the Adoptive Family Network, regarding the lack of adoption regulations in Nevada. The testimony indicated that without regulations, there was uncertainty about what the state's adoption policies were and that it would be helpful if people were aware of what the agency's regulations were. There are many definitions such as a "suitable home" which have never been spelled out in public regulations. The witness added that an adoption fact book would soon be published by the Division, which should be very informative.

The Division noted that an adoption policy manual was in existence, but no separate regulations for adoption existed. As the adoption function is still technically under the authority of the Welfare Division, it is exempt from the Administrative Procedures Act and regulations are not required.

The Committee felt that published regulations would be beneficial to prospective adoptive parents and recommended to:

9. Require, by statute, that the Division of Child and Family Services adopt regulations concerning the adoption process if assigned the duties of the Welfare Division concerning adoption. (BDR 11-400)

#### C. Findings

While the following items did not result in specific recommendations, the Committee felt that the issues described were important and worthy of mention.

#### Required Statutory Changes

As discussed in recommendation number 1, the passage of Senate Bill 611 by the 1991 Legislature created the Division of Child and Family Services through a combination of statutory amendments and administrative authority granted to the Director of the Department of Human Resources. The 1993 Legislature will need to review proposed statutory amendments for the permanent assignment of powers and duties that are currently in force under the Director's administrative authority. As noted earlier, the Division was asked by the Committee on several occasions to

#### DIANA M. GLOMB

SENATOR Washoe No. 1

COMMITTEES:

Vice Chair
Human Resources and Facilities

Member
Finance
Transportation



## State of Nevada Senate

Sixty-Sixth Session

August 27, 1992

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The Honorable Richard Bryan United States Senate 364 Russell Senate Office Bldg. Washington, D.C. 20510

Dear Senator Bryan:

The purpose of this letter is to request your support for the speedy passage of national child welfare legislation currently pending before Congress. As Chairman of the Nevada Legislature's Committee for the Review of Child and Family Services, this matter is of particular concern to me and other members of the committee.

It is my understanding that two major bills containing funding enhancements for child welfare programs have passed the House of Representatives and are in the Senate for consideration. The Downey/Panetta Children's Initiative (H.R. 5600) and the Urban Aid Bill (H.R. 11) both contain important child welfare provisions. Of particular interest to the committee are the proposed increases for Family Preservation Services contained in the Downey/Panetta Children's Initiative. These increases would assist states in strengthening and preserving families with the ultimate goal of helping parents care for and raise their own children. As shown on the enclosed chart prepared by the U.S. Department of Health and Human Services, funds for Family Support Services (Title IV-B) have not kept pace with Foster Care funding increases (Title IV-E) over the last ten years. By increasing programs that prevent family crises and separation, we can expect to reduce foster care placements and strengthen America's families.

DISTRICT OFFICE:

P.O. Box 5218 Reno, Nevada 89513

Office: (702) 747-5142

LEGISLATIVE BUILDING:

401 S. Carson Street Carson City, Nevada 89710

Office: (702) 687-5742

Fax No.: (702) 687-5962

The Honorable Richard Bryan August 27, 1992 Page 2

Should the legislation be passed in the Senate or returned to a conference committee for differences, I would again like to emphasize the importance the State of Nevada places on the approval of programs that increase and improve Family Preservation Services. If you would like to discuss this matter further, please contact me at the address shown above or call me at (702) 784-6542.

Sincerely,

Senator Diana M. Glomb Nevada State Legislature

Diana M. Dlomb

DMG:ca cfsbrbvlet enclosure

Letter also sent to:

provide language for the required statutory revisions. As the study concluded without the information being received, the Committee agreed to:

Encourage the Division to submit required statutory changes necessary to allow for the permanent reorganization of the agency.

#### Rural Mental Health Staff

Although no formal recommendations were made by the Committee regarding rural mental health care for children, the Committee felt the subject was critical and should be included in the final report. The Division provided testimony which indicated that the majority of mental health services currently provided to children are offered within urban areas of the state. The Division commented that while it felt it had the authority to assume mental health services in the rural areas, the initial phasing in of the new Division and desire to have programs running smoothly was a significant challenge in itself.

Further, the Division commented that mental health personnel in rural areas provided services to both adults and children, which made it difficult to separate staff. Additionally, with the latest budget reductions, the Division would have difficulty deciding who would be served by remaining personnel--adults or children. The Committee, in expressing its concern over needed mental health services, agreed to:

Encourage the Division to pursue, through the budget process, the reassignment of rural mental health staff serving children (persons 18 and under) from the Division of Mental Hygiene and Mental Retardation to the Division of Child and Family Services; and

Include in the final report a statement of the Committee's support for rural mental health services for children, regardless of which state agency provides these services.

#### **Division Recommendations**

Throughout the course of the study, the Division was asked for suggestions and recommendations in areas that could be improved upon in order for the Division to realize its primary mission and provide an ideal level of service to children and families. The Division responded with a document which detailed their recommendations for improvements. While specific recommendations were not made on many of the Division's suggestions, the Committee agreed to:

Include in the Committee's final report a complete copy of the Division's recommendations (Appendix B).

#### Study of Drug and Alcohol Exposed Infants

The Division of Child and Family Services formulated a recommendation regarding the need for a study of pregnant and postpartum drug abusing women and their infants. The Division provided information which indicated that there is no uniform system in Nevada which records the incidence and prevalence of newborns who have been exposed prenatally to alcohol and/or other drugs. A study would be needed to collect data which would ultimately assist in the goal of reducing the number and severity of drug and/or alcohol exposed infants born and to prevent and reduce the effects of alcohol and drug abuse by pregnant women.

In response to this recommendation by the Division, the Committee agreed to:

Encourage the Nevada Legislature's Committee on Health Care to include in its review program a study of the incidence and prevalence of newborns who have been exposed prenatally to alcohol and/or other drugs. Further, that the Committee on Health Care review existing programs and services within the state that may be utilized to reduce the number and severity of drug and alcohol exposed infants. The Committee also suggested that the legislature's Health Care Committee consider informing and involving the Health Division's Maternal and Child Health Advisory Board in the potential study (see Exhibit 9).

#### DIANA M. GLOMB

SENATOR Washoe No. 1

#### COMMITTEES:

Vice Chair
Human Resources and Facilities

Member
Finance
Transportation



## State of Nevada Senate

Sixty-Sixth Session

August 27, 1992

Assemblyman Morse Arberry, Jr., Chairman Legislative Committee on Health Care 1330 Virginia City Avenue Las Vegas, NV 89106

#### Dear Chairman Arberry:

The Committee for the Review of Child and Family Services has recently concluded its Interim Study on the Division of Child and Family Services. The committee, which was created as a result of the passage of Senate Bill 611 by the 1991 Legislature, was comprised of six members of the Interim Finance Committee and was charged with reviewing actions taken by the Director of the Department of Human Resources in creating the new Division of Child and Family Services, as well as studying both public and private adoption programs in Nevada.

The committee's final report includes a finding regarding the need for a study of pregnant and postpartum drug and/or alcohol abusing women and their infants. During the course of the Interim Study, the Division of Child and Family Services provided information which indicated that there is no uniform system in Nevada for recording the incidence and prevalence of newborns who have been exposed prenatally to alcohol and/or other drugs. The committee discussed the need for a study to collect this data and agreed to request the Legislative Committee on Health Care's consideration in conducting such a study. The collection of this important data is needed to ultimately assist in the goal of reducing the number and severity of drug and/or alcohol exposed infants born and to prevent and reduce the effects of alcohol and drug abuse by pregnant women.

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In agreeing on this finding, the committee also suggested that the Legislative Committee on Health Care, if it is able to pursue a study of this nature, also consider informing and involving the State Health Division's Maternal and Child Health Advisory Board in the potential study.

I look forward to discussing this important matter with you in the near future.

Sincerely,

Senator Diana M. Glomb, Chairman

Committee for the Review of Child and Family Services

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#### III. ADOPTION

Adoption is a legal procedure in which a person or a couple take parental responsibility for a child who is not their offspring. The child may be unrelated to either adoptive parent, may be the child of one member of the couple, or may be related in some other way to the adoptive parents. Formal adoption severs all legal ties between the adoptee and one or both birth parents. Informal adoptions (where no formal papers are signed) also occur, although little information is available concerning such arrangements.

#### A. The Adoption Process

Formal adoptions are usually arranged through public or private agencies that must be licensed by the State, or are arranged independently using an intermediary such as a lawyer.

#### Agency Adoptions

The agency process usually begins with the adoptive parent meeting with a social worker to discuss the adoption procedure and the children available. Most states require a home study to assess the characteristics, attitudes and expectations of all members of the adopting family. These studies are usually done by the adoption agency. After a child is placed, the agency follows up with visits and consultations, as necessary, during a probationary period lasting from 6 months to a year. At the end of this time, the adoption is finalized in a court proceeding.

## Independent (Non-Agency) Adoptions

Independent adoptions are arranged privately between birth mother, the adoptive parents, and usually an intermediary such as a doctor or a lawyer. In this type of adoption, the adoptive parents retain an attorney to do the necessary legal work and typically pay the birth mother's medical expenses as well as other costs, such as travel. Home studies by certified social workers are also required in independent adoptions; in most states they are not required before placement as with agency adoptions (Nevada is an exception). In general, home studies in independent adoptions are quicker and less comprehensive than those done for agency adoptions.

## B. Adoption Activities in Other States

Generally, adoption in the United States is regulated by State laws and is under the jurisdiction of the State courts. Of the children awaiting adoption in the United States, 80 percent are classified as having special needs, and 50 percent are members of minority groups. Nationally, the average time a child waits to be adopted is 2 years. Adoptive parent applicants on both public and voluntary agency lists wait approximately 3 years; in Nevada, the average wait is approximately 3.5 years.

According to the National Conference of State Legislatures (NCSL), no state has implemented a "model" program for accelerating the adoption process. However, many states have passed bills which appear to liberalize adoption laws somewhat. Recent legislative initiatives expedite permanent placements by facilitating adoptions with relatives and foster parents, providing financial incentives for adopting children with special needs and establishing interstate adoption agreements.

Other recent State legislative initiatives focus upon:

- Reducing the time needed to complete consent to the adoption process;
- Requiring health insurance policies to cover adopted children;
- Access to adoption records by biological parents and adult adoptees.
- Counseling and other services for biological parents, adoptive parents, and adopted children.

## C. Current Program and Services

The adoption of children and adults in Nevada is governed by Chapter 127 of Nevada Revised Statutes (NRS). A significant portion of the current law relating to adoptions was the result of a report by Nevada's Office of the Attorney General to the 1963 Legislature. The report made a number of recommendations designed to stop the practice of selling babies. These recommendations were incorporated into legislation enacted in 1963 that was designed to regulate adoptions, eliminate the selling of babies and address other abuses of the system.

Under the current law, adoptions in Nevada are arranged through one of three mechanisms:

- Through the Division of Child and Family Services;
- Through another licensed child-placing agency, all of which are currently sectarian in nature; or
- By independent adoption.

The first step in each of these options involves the decision by the birth mother to place her child for adoption.

#### Relinquishment and Consent to Adoption

As part of the process, the birth mother is expected to sign one of two documents to allow the adoption to proceed. For agency adoptions, this document may be the relinquishment form which places the child in the custody of the agency pending placement for adoption. For independent adoptions, the consent to adoption form is generally executed.

Under Nevada law, however, no legal document concerning the adoption may be signed until 72 hours after the birth of the child. Until that time, the birth mother may care for the child or she may choose to allow the Division to place the child in temporary foster care. In some instances, the hospital may be asked to care for the baby for 72 hours. Actual physical placement of the child may not take place until the home study has been completed.

## Approved Adoption Agencies

Nevada is one of the few states that approves of infant adoptions only through a state agency or a state-approved agency. In addition to Nevada, fifteen other states prohibit private, for-profit agencies from being licensed as a child placing agency. Other than the Division of Child and Family Services, the following agencies are licensed to provide adoptions: Catholic Community Services in Las Vegas and Reno, Jewish Family Service Agency in Las Vegas, and Latter-Day Saints Social Services in Las Vegas and Reno.

The following table describes recent adoptive placements within the State:

IN NEVADA 1	990 AND 19	991
	<u>1990</u>	<u>1991</u>
Independent Adoptions	216	173
Agency Infant	24	41
Agency Special Needs	98	127
Total	338	341
Source: Division of Child and	Family Compies	no 1002

Over the past two years, the number of Nevada children adopted by Nevada families has averaged about 141 per year. As of November 1991, 41 Nevada children have been placed with out of state families; in contrast, during the same period Nevada families adopted 23 children from out of state.

Although private adoptions are not illegal in Nevada, third-party adoptions are. Technically, this distinction means that a parent can go to one of the three licensed agencies or the Division of Child and Family Services to surrender a child for adoption, or the parent can choose the potential adoptive parents. In the latter case, the natural parent would notify one of the agencies of the chosen adoptive parent and begin the adoption proceedings. Under Assembly Bill 606 of the 1991 Legislative Session (Chapter 566, Statutes of Nevada 1991, pages 1864 - 1866), persons may exchange information regarding adoptions so long as no money or other valuable consideration is exchanged for such information.

The Division of Child and Family Services has defined its role as protecting the best interests of the children awaiting adoption--the emphasis is upon finding homes for children, not upon finding babies for parents; the well-being of the child is the Division's primary concern.

## Categories of Children Available for Adoption in Nevada

As of August 1992, there were 134 children awaiting adoption in the custody of the Division. Fifty-five percent of these children are male, and 45 percent are female. An estimated 60 percent are members of a sibling group.

The following tables describe other characteristics of children currently awaiting adoption:

# SELECTED CHARACTERISTICS OF CHILDREN AWAITING ADOPTION IN NEVADA (AUGUST 1992)

RACE

		RITCE	
Age Ranges	Percent	Race	Percent
0 - 5 6 - 10 11 - 17	29 36 35	Caucasian African-American Other	56 24 20

Source: Division of Child and Family Services, 1992.

The children available for adoption in Nevada can be divided into two major categories:

■ Healthy Caucasian infants; and

AGE

Special needs children.

Most of the healthy caucasian infants (2 years of age and under) available for adoption in Nevada result from teenage pregnancies. Some of these children may come from large families that cannot afford to feed yet another child. Although most of the people seeking to adopt wish to have children from this category, few healthy caucasian babies are available for agency adoptions. As part of a nationwide trend, more single mothers--including teenagers--are choosing to keep their babies.

The second major category of children available for adoption in Nevada are special needs children who are in the custody of the State. Often these children have many handicaps and have been abused, neglected, or abandoned and need special care. Many of them are severely emotionally disturbed. This category also includes some older children, minorities or those who are part of a sibling group.

These youngsters represent the majority of the children available for adoption through the Child and Family Services Division. The Division has difficulty finding families willing to adopt these children. Nevada like other states, has developed strategies to encourage adoptions for this group of children, including:

- Adoption subsidies that pay medical and other costs;
- Statewide adoption registries, containing names, pictures and profiles of the children; and
- An active fost-adopt program.

As of July 1992, the Division had 211 medical and/or financial adoption subsidies costing the agency an average of \$34,511 per month.

#### Waiting List of Potential Adoptive Parents

The Division maintains an ongoing waiting list of potential adoptive parents. In the average month, there are 229 families waiting for an adoption home study to be completed. In addition, there are 43 families approved and waiting for a child's placement.

The average adoptive family is seeking a healthy Caucasian infant who has not been exposed to drugs and has had the benefit of prenatal care. The average family seeking a special needs child is interested in a child approximately 5 to 8 years old with limited behavioral/ emotional problems, who will fit in with other children in the household.

The average waiting period for a family requesting a healthy caucasian infant is approximately 3.5 years; parents wishing to adopt specific special needs children, with few exceptions, experience no significant waiting period. For independent adoptions, the average waiting period from the date the agency is notified about a potential placement to the actual placement is 3 to 5 weeks.

#### Home Studies

In Nevada, as in other states, a home study is required before a child may be placed in an adoptive home. According to *Nevada Revised Statutes* 127.280 the Division of Child and Family Services must:

complete an investigation of the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption.

The study contains, among other things, letters from personal references, a local law enforcement review, a fingerprint check from the Federal Bureau of Investigation, interviews with household family members and a home visit report by an agency social worker. One of the Division's adoption review teams will then evaluate the study to determine suitability and decide upon an appropriate placement.

Under current Nevada law, only the Division of Child and Family Services may receive an adoption request and conduct home study investigations. One exception concerns independent adoptions to a home outside the State. Although a home study must be completed prior to the placement of the child, the actual report may be completed by an "appropriate authority" in the other state. In any case, the report must be made available to the agency for its review and approval prior to placement.

Under NRS 422.283, the Division is allowed to charge fees for home studies on a sliding scale basis. The average fee charged in calendar year 1991 was \$1,221; for the first 3 months of 1992, the average charge was \$1,140. The average annual income of families adopting children was \$53,591 for calendar year 1991; for the first 3 months of 1992, that figure was \$43,849.

In 1991, the agency handled 173 specific adoptions and 41 agency infant adoptions. In addition, there were 56 adoptions handled by other licensed child placing agencies. Home study fees charged by the other child placing agencies (56 in all) were assessed by those entities; the Division does not monitor these charges.

The following table lists the charges assessed by the Division for non-special needs children:

#### "HOME STUDY" ADOPTION FEE

RANGE OF PAYMENTS TO THE STATE FROM FAMILIES ADOPTING CHILDREN\* (CALENDAR YEAR 1991)

Range (In Dollars)	Percent of Total
\$ 0-500	19.4
\$ 501-1000	36.6
\$1001-1500	29.7
\$1501-2000	5.1
\$2001-2500	5.7
\$2501-3000	2.3
\$3001-4000	1.1
\$4001-5000	0

\* Payments made to the Division of Child and Family Services for Non-Special Needs Adoptees.

Source: Nevada Department of Human Resources, Division of Child and Family Services, April 1992.

As a rule, a fee is not assessed for home studies to place special needs children.

## D. Recommendations from the Cole Report

In 1990, the Welfare Division of the Department of Human Resources utilized the services of an independent consultant to evaluate Nevada's adoption system. Consultant Elizabeth S. Cole issued a report in June 1990, titled "Report of a Study of Nevada's Adoption Program." Major recommendations are summarized as follows:

- 1. Implement methods to streamline and promote adoptions, including simplifying forms, using a registry, issuing an informational booklet, appointing an adoptive parent advisory committee, improving recruitment efforts (especially among minorities and foster parents) and eliminating the means test for subsidized adoptions. The consultant also recommended an "open adoption" and "fost-adopt" program.
- 2. Expand contact with birth parents, such as obtaining informed consent, collecting detailed health and mental health information.
- 3. Institute certain agency personnel changes, including increasing the number of adoption workers, eliminating certain pay disparities and adding paralegals to the staff to assist with cases involving the termination of parental rights. The consultant also recommended additional training for key adoption personnel.
- 4. Improve certain procedural matters, such as charging a higher fee for independent adoptions, strengthening the review of out of home care and creating a closer working relationship with the Office of Attorney General in all adoption and foster care matters. In addition, Ms. Cole recommends improved assessment and preparation of special needs children for adoption, and sharing the assessment information with prospective adoptive parents.
- 5. Increase training for foster parents and adoptive parents and expand certain postadoptive services to these groups.

The agency adopted a number of these recommendations through legislation during the 1991 Session or by administrative action. Several recommendations from the Cole report were presented to the Committee, and a number of these were approved by the members. Any recommendations arising from the Cole report will be noted in the discussion portions of the appropriate proposal.

#### E. <u>Issues and Recommendations</u>

The Committee reviewed numerous proposals from the Division of Child and Family Services, licensed child placing agencies, adoptive parents and other interested parties. A number of significant issues were raised concerning the adoption process including its impact upon adoptive parents, the manner in which adoptions are promoted, and the procedure of relinquishing parental rights.

The final recommendations of the Committee relative to adoption represent those policies that the members determined would be most effective in addressing these issues. Background information for each of these proposals is summarized in the following sections.

#### **Adoptive Parents**

The Committee received information with regard to the impact of the adoption process upon adoptive parents. Concerns were raised with regard to inaccurate home study reports, delays in completing such reports, insurance coverage for certain expenses and the inability to share information between parties.

#### a. <u>Licensed child placing agencies</u>

Under the current structure for independent (non-agency) adoptions, the Division conducts home studies and provides services to birth parents upon notification of a proposed adoptive placement. Such a study must be completed within 60 days of notification. Once the adoptive home is approved and all other legal requirements are met, the child may be placed in the home. Once placed, the same services and requirements apply as with other types of adoptions. However, the 60-day requirement for home studies does not apply to placement of children in State custody.

Due to increasing case loads for children under the agency's authority, the Division has indicated an increasing desire to recruit a non-sectarian child placing agency to provide a full range of services for non-agency adoptions. According to testimony before the Committee, most states have eliminated their infant adoption programs, allowing the voluntary sector to provide this service. According to DCFS, current child placing agencies in Nevada are often perceived as being sectarian in nature and appear to lack the statewide presence necessary to perform this function.

The Division argued that non-sectarian child-placing agencies such as the Children's Home Society and the Children's Aide Society would offer additional choices and more accessible services to birth mothers and adoptive parents. Changing the present statutory language would allow the Division to recruit such an agency. Under current law, only the Division of Child and Family services may receive an adoption request and conduct home study investigations.

This particular proposal was also recommended by Ms. Cole in her report on the Nevada's adoption system (see Section V of this report titled "Selected References").

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

- 10. Amend statutes to allow any licensed child placing agency to receive an adoption request and complete the required home study investigation. Should a licensed child placing agency decline to provide these services, the Division would still be required to complete the study within the required 60-day time period. (BDR 11-402)
- b. <u>Health Insurance Coverage for Birth Expenses</u>

In the case of independent (non-agency adoptions), the Committee learned that birth expenses for mother and child are often passed along to adoptive parents. In cases where there are complications in delivery or birth trauma, these costs may be significant. Although health insurance policies in Nevada must agree to cover adopted children after the time of adoption, birth expenses for the biological mother are not covered.

The Committee learned that the State of Arizona had enacted legislation requiring coverage of these birth-related expenses through the adoptive parents' health policies. The members decided to request draft legislation based upon the Arizona model, and expressed their intent that the law would apply only to cases in which the adoption was final.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

11. Require, by statute, that health insurance policies sold or issued within Nevada provide coverage for medical costs paid by adoptive parents, including birth expenses, that are incurred as part of their adoption fees. Further, provide that coverage for adopted children or children placed for adoption include care and treatment from birth, including coverage for congenital defects and birth anomalies. (BDR 57-409)

## c. Open Adoptions

The "openness" of an adoption refers to how much identifying information such as names, personal history, and so on, is exchanged between birth parents and adoptive parents. Under Nevada law the Division of Child and Family Services may make the following "limited knowledge" adoptive placements:

- Semi-open -- the social worker may arrange meetings between adoptive and biological parents to share certain information; however, identifying information remains confidential;
- Semi-traditional -- birth parents are allowed to read the adoptive parents home study report as part of the selection program, although identifying information within the report is deleted. No direct contact is made between the parties; and
- Traditional -- the child placing agency selects the adoptive family from a list of families who have been waiting for placements. Although certain requests from the birth mother are considered, such as a specific religion, no identifying information is exchanged.

Because of the "limited knowledge" provision in Nevada law, open adoptions through licensed agencies are not permitted in this State. Open adoption is where all information about both birth parents and adoptive parents is shared with both parties (and the child, when appropriate).

Nationally, this form of adoption appears to be gaining popularity. Voluntary agencies in other states report increases in the participation of birth parents in the selection of adoptive parents, in meetings between birth and adoptive parents when identifying information is not shared and in the practice of birth parents communicating to the child through the agency or the adoptive family.

The Committee received testimony supporting this concept from the Division and from private individuals. This proposal was also recommended by Ms. Cole in her report on the Nevada's adoption system (see Section V of this report titled "Selected References").

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

- 12. Amend statutes to allow adoptive and biological parents to agree to waive confidentiality of adoption proceedings, and allow the parties, by mutual consent, to share identifying information. Either of the parties may choose to exercise the option of maintaining the traditional, confidential approach. (BDR 11-403)
- d. Home Study of Prospective Adoptive Parents

The Committee received testimony indicating that the agency's home study review panel may require input from adoptive parents with regard to home study reports. According to testimony from potential adoptive parents, inaccurate and biased information may be contained within the report, and the family has no opportunity to

review the report or respond to or correct misinformation. Often no indication is given about why a home was declared to be unsuitable.

The Committee chose to approach this matter in two ways:

- By providing the Division input from within when the adoption review team examines the preliminary home study report; and
- By providing clearly defined standards and criteria, and allowing applicants to review an adverse report.

In the first instance, the Committee learned that each home study report is reviewed by an adoption review team within the agency. Testimony by adoptive parents proposed the idea of allowing an adoptive parent to serve in an advisory capacity. The concept was supported by the Division.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

13. Encourage the Division of Child and Family Services to include an adoptive parent, as a non-voting unpaid volunteer, on any Division decisionmaking panels which review home study reports for prospective adoptive parents, as required under statute. The adoptive parent member(s) would be selected by the administrator from a list submitted by adoptive parent support groups.

In addition, the Committee agreed that a clear definition of the criteria used to judge a home as suitable or unsuitable is needed. Rather than continuing to use internal policy guidelines, the members decided that the Division should adopt formal regulations with regard to suitability criteria and the grounds for rejecting an application.

The Committee also discussed a number of approaches to the matter of false information within a report. Alternatives included granting applicants the right to formally contest an adverse report. According to testimony, however, such an approach would require administrative hearings that would be subject to Nevada's Administrative Procedures Act, and thereby open to the public.

Due to confidentiality matters with regard to certain portions of the report, and because of concerns about additional cost to the courts and the Office of Attorney General, the Committee agreed to a less formal approach. An adverse report, with identifying information removed, may be reviewed by adoptive parents, prior to its submission to the court.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

14. Require, by statute, that the Division of Child and Family Services adopt regulations defining the criteria used to determine what constitutes an "unsuitable" home for adoption. Further, require that the Division provide prospective adoptive parents an opportunity to review an adverse report with the agency prior to its submission to the court.

(BDR 11-410)

#### Promotion of the Adoption Alternative

A national survey of public adoption agencies asked which factors are most important in preventing them from arranging adoptions for children. The agencies cited four major factors as critical barriers in achieving timely placements:

- Lack of minority parents for the number of minority children awaiting adoption;
- Lack of parents willing to take children with special needs;
- Delay in termination of birth parents' rights; and
- Lack of agency staff and resources.

Testimony before the Committee indicated that most of these barriers are present in Nevada. The Committee made a number of recommendations designed to promote adoptions within this State.

#### a. Adoption Subsidy Program

Many states, including Nevada, offer special subsidy programs to encourage the adoption of "Special Needs" children. These hard-to-place children are older youths, belong to a sibling group, are minorities, or have emotional or physical difficulties.

Under the present system, the Division of Child and Family Services offers two adoption subsidy programs:

- Federal Title IV-E eligible (children eligible for or receiving Supplemental Security Income or Aid to Dependent Children at the time of adoption); and
- A State-funded adoption subsidy program for non-Title IV-E eligible-children with special needs.

The first of these programs receives half its funding from the Federal government; no means test is imposed upon the adoptive parents to determine eligibility for the subsidy. In contrast, the State program receives 100 percent of its funding from the State General Fund, and a means test is used to identify adoptive parents eligible for the adoption subsidy.

The Division recommends eliminating the means test and creating a single adoption subsidy program. Such an action is expected to increase special needs adoptions, benefiting the children by placing them in permanent homes, and benefiting the State by reducing costs.

The Division believes the approach to be more cost effective than maintaining special needs children at State expense. The agency estimates the cost of out-of-home care at \$862 per month per child for special needs children awaiting adoption. It further estimates that an additional 150 children could be adopted by eliminating the means test. The cost of maintaining the subsidy for these children is estimated at \$302 per month per child. The difference translates to a savings of State General Fund dollars of approximately \$838,000 per year.

The Cole report, (see Section V, of this report titled "Selected References") recommended eliminating the means test program and creating one adoption subsidy program for children with special needs. The Committee received testimony from the Division as well as from foster parents supporting this position.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

15. Amend statutes to eliminate the financial "means test" for the Division's subsidy program to encourage the adoption of special needs children. This would allow the Division to combine its statutory subsidy program with its Federal subsidy program. (BDR 11-404)

#### b. Assistance to Biological Mother

Certain single mothers who do not choose to give their children up for adoptions may be eligible for various State education and job training programs. The Committee received testimony proposing that the State provide similar benefits to the biological mothers who choose adoption as an alternative.

According to the Division, such a program would substantially resemble the agency's Single Parent Program. Expenditures for this service in Fiscal Year 1990 were \$24,075. Due to recent State budget cuts, the agency's Single Parent Program was eliminated; this proposal would restore the program in a slightly different form.

Under the structure of a pilot program, enrollment in the system would be limited to State established Title XX income guidelines. The Division projects a cost of \$4,465 per client, based upon its previous experience. Costs would be approximately \$2,865 for medical expenses (prenatal care, normal delivery and hospital charges), plus \$400 per month for basic living expenses. Referrals for counseling, education, training and housing would be made by the case worker at no cost to the Division.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

16. Encourage the Division to include in their budget request, funding for a pilot program, similar to the Single Parent Program recently deleted from the agency's budget. The program would provide support services for certain birth mothers who choose to place a child for adoption. Eligibility for the program would be determined by the Division of Child and Family Services based upon need and upon presumed eligibility for certain social welfare programs should the mother have decided not to relinquish the child for adoption. Services would include job training, educational assistance, housing assistance, and other services that would have been available to the biological mother, should she have decided not to place the child for adoption.

#### c. Adoption Information in Public Schools

During the course of the study, a number of witnesses urged the Committee and the legislature to provide information about adoptions to public high school pupils. Advocates of this approach cited the nationwide trend in which more single mothers --including teenagers--are choosing to keep their babies. Because this decision can have such a lasting impact on a young person's life, the Committee felt that information concerning the adoption issue should be readily available to public school students.

The members noted that the adoption booklet required under *Nevada Revised Statutes* 127.009 was an excellent source of information concerning the process of adoption. The Division estimates that approximately \$10,000 in printing costs would be required to provide booklets to each of the 60 junior and senior high schools throughout the State. In response to cost concerns, the Committee decided that private parties should be afforded the opportunity to contribute funds to offset this cost.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

17. Urge that school districts make available information concerning adoption to students in secondary school. Further recommend that the adoption information booklet required under *Nevada Revised Statutes* 127.009 be distributed by the Division of Child and Family Services to all high schools and made available to interested students.

Further, allow the Division, by statute, to accept gifts and grants to assist in the production and distribution of the booklet. (BDR 11-406)

In addition, the Committee was made aware of the fact that the 1991 Legislature had enacted a resolution calling for the State Department of Education and the public

schools to provide students with information concerning adoptions and about the financial responsibility of raising children. Given the interest expressed within the Committee, the members decided that a progress report concerning this measure would be useful to provide further guidance during the 1993 Legislative Session.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

18. Encourage the State Department of Education to make a report to the 1993 Nevada Legislature concerning the implementation of Assembly Concurrent Resolution No. 28 (File No. 132) of the 1991 Legislative Session. The resolution urges the State Department of Education and county school districts to provide information to pupils about adoption and the financial responsibilities of raising children.

#### d. National Registries

Many states, including Nevada, employ a number of strategies to assist in the adoption of special needs children. As noted earlier, these hard-to-place children are older youths, belong to a sibling group, are minorities, or have emotional or physical difficulties. Several states use a statewide registry system, listing each child and including photographs and biographical data.

A number of special national directories also exist. While the Division already lists many of its special needs children within these directories, the Committee took note of certain specialized directories, including the CAP Book, Inc., and the Downs Syndrome Adoption exchange.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

19. Encourage the Division of Child and Family Services to utilize additional national placement services for special needs children, such as The CAP Book, Inc., and the Downs Syndrome Adoption Exchange.

### Relinquishment

A number of proposals were made to streamline the relinquishment procedure. The Committee received information from a licensed child placing agency involving a potential problem with the witnessing of the relinquishment form. A social worker normally serves as a witness when the biological mother signs a form relinquishing her child to a child placing agency for adoption. Concern was raised over possible allegations of conflict of interest for instances in which the social worker is an employee of the agency placing the child for adoption. Any resulting challenges to relinquishment would delay the adoption process.

In order to avoid this situation, it was proposed that the relinquishment form be witnessed by a licensed social worker not employed by the child placing agency. Since this proposal may not be practical in rural areas of the State due to staff limitations, the Committee decided to exempt those areas of the State without a sufficient number of licensed social workers.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

20. Establish by statute that each licensed child placing agency, including the Division of Child and Family Services in Nevada's Department of Human Resources, utilize the services of a licensed clinical social worker who is not affiliated with the agency to witness a relinquishment form. Exemptions would be allowed in rural areas of the State when required personnel are not available. (BDR 11-407)

Members of the Committee also expressed concerns over the large number of out-of-state adoption services listed in Nevada telephone directories. For the most part, these entities are circumventing the intent of current Nevada law prohibiting advertising of placement services for children, or requesting children for adoption (Nevada Revised Statutes 127.310). Some out-of-state agencies circumvent the law by advertising adoption "advice", "counseling", or "information".

The Committee also noted that the penalty for violating the current statute was a misdemeanor. It was felt that increasing the penalty to a gross misdemeanor might serve as a greater deterrent to those who violate the law. Enforcement of the statute was identified as a major problem. Narrowing or eliminating those who can advertise under the heading "adoption services", along with an increased penalty for violators was thought to be the best approach to this issue.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

21. Amend statutes concerning advertising and soliciting by nonlicensed or out-of-state adoption entities, to prohibit any advertising by such entities that offer adoption advice, counseling or services. Further, provide that violation of this provision be considered a gross misdemeanor. (BDR 11-405)

#### **IV. FOSTER CARE**

As is the case with adoption, the responsibility for foster care resides within the states. Although the manner in which a child enters the foster care system may differ, it is usually the result of state intervention into the family setting. Among the inherent powers of a state is the authority to provide guardianship and oversight of children. Consequently, when a child is mistreated a state, through the courts, may intervene to remove the child from the home.

#### A. <u>Current Program and Services</u>

In Nevada, foster care services are provided by the Division of Child and Family Services. The ultimate goal for a child placed in the system is the provision of a permanent home either through rehabilitation of the parent's household; or placement with relatives; or other permanent care, such as adoption.

According to the Division, the foster care population is increasingly made up of seriously troubled adolescents at one end of the spectrum, and medically fragile infants and young children at the other. In recent years there has been a large increase in the number of emotionally disturbed, mentally ill, developmentally disabled and delinquent children in foster care.

Substitute care services also include supervision of children and families after they have been reunited in order to assure the safety of the children, and preparation for independent living for teenage foster youth. In addition, certain foster teens (ages 16 through 18) may be placed in independent living settings provided they are adequately prepared for independent living and they have met program requirements.

#### B. Family Foster Care Issues and Recommendations

The Committee reviewed numerous proposals from foster parents, the Division of Child and Family Services, and children currently in foster care. Major issues concern foster parent liability, compensation matters, respite care and enhanced foster parent training programs.

The final recommendations of the Committee relative to foster care represent those policies that the members determined would be most effective in addressing these issues. Background information for each of these recommendations is summarized in the following sections.

## Legal Liability

The Committee received testimony during several hearings from foster parents concerned about legal liability issues. Members learned of a case pending in the Nevada court system in which two foster parents were being sued for the negligent

care of a foster child. Under current law, Nevada's Office of the Attorney General is not obligated to defend the foster parents.

According to testimony, the existence of this suit may have a chilling effect upon the availability of family foster care in Nevada. Foster families may be unwilling to incur the legal risk associated with this service.

Two types of potential liability exist to which foster parents may be exposed:

- Liability to biological parents for damages sustained by a foster child; and
- Liability to others for damages caused by a foster child.

Foster parents argued that the fear of litigation may serve as a deterrent to foster family recruitment and retention efforts. Potential foster parents may be willing to provide the care, but unwilling to risk the personal losses a lawsuit might bring. It was also argued that existing foster families may drop out of the program due to similar concerns.

The Committee reviewed a number of options with regard to protecting foster parents from liability. Alternatives included paying liability insurance premiums on behalf of foster parents; establishing a self-insurance system, providing limited immunity from liability; requiring an insurance policy at the parent's own expense; and defining foster parents as immune contractors of the State.

The members decided that the immune contractor alternative was the most appropriate, given the role of family foster care within Nevada's substitute care system. In addition:

- 1. Foster parents receive compensation from the State for their services; and
- 2. The Division's extensive background investigations serve to insure foster parent behavior, as long as they are acting within the scope of their duties.

It is expected that classifying foster parents as immune contractors of the State will provide the needed liability protection as well as legal representation to Nevada's foster families.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

22. Amend current statutory provisions regarding State liability to include foster parents as immune contractors of the State. These provisions would, except under certain circumstances, apply to liability by the foster

parent to biological parents for damages sustained by a foster child, and liability to others for damages caused by a foster child. The provisions also allow for a defense by the attorney general upon timely request, and require the State to pay an award of damages not to exceed \$50,000. (BDR 3-401)

#### Reimbursement

The Committee received testimony from foster parent support groups and individual foster parents with regard to compensation matters. There was general agreement that the present compensation rate was inadequate. Other reimbursement issues concern respite care services and linking future increases to the consumer price index.

#### a. Compensation Rate

At present, a family foster home receives between \$281 a month to a maximum of \$481 per month to care for a foster child. Foster families argued that group homes receive substantially more to care for the same types of children. The last time monthly compensation was increased for foster families was in 1988, and that increase represented approximately \$6 per month.

The Committee was informed that the cost of living had increased significantly since that time, and the present compensation rate was inadequate to meet the needs of the children. Foster families also indicated that the present clothing allowance did not meet the needs of the children under their care.

The Foster Parents of Southern Nevada proposed a new system of reimbursement which would combine the monthly compensation rate to include monthly clothing and transportation allowances. In addition, a higher compensation rate would reflect U. S. Department of Agriculture calculations concerning average expenditures for children.

The Division estimated that an additional \$551,520 would be required for a compensation rate based upon a 10 percent increase.

While recognizing the contributions of Nevada's foster families, due to the State's current fiscal difficulties, no specific increase is recommended. However, if funding should become available between the conclusion of this study and the end of the 1993 Legislative Session, the Committee believes that foster family compensation should receive priority consideration, and should, therefore, appear within the Division's budget request for the 1993-95 biennium.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

23. Encourage the Division to include in their budget request increased compensation, within available revenues, for persons licensed to conduct family foster homes.

### b. Respite care

The Committee also received testimony from foster parents concerning the need for additional respite care funding. Respite care allows foster families to receive time off for rest and time alone with their spouse and biological children. Testimony indicated that the increased number of medically fragile and disabled children in substitute care have placed an increased strain upon foster families. Foster parents argued that an improved program of respite care was necessary to increase retention efforts by preventing foster parent "burn out".

The Division noted that the current program is funded at \$20,000 per year, which provides approximately 1,000 bed days of respite care per year. It estimates that an increase of another \$20,000 per year would be needed to provide the additional respite care services to foster parents. The Division currently utilizes approximately 700 foster homes.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

24. Encourage the Division to include in their budget request funding to provide respite care services on a limited basis, within available revenues, for certain family foster parents with severely disabled children.

## c. <u>Cost of Living Index</u>

As noted in the previous section concerning compensation, testimony was received with regard to the basic compensation rate for foster families. Four years have elapsed since the last increase, and that change represented an increase of less than 2 percent (approximately \$6 per month). Those testifying argued that a system which tied compensation to the Consumer Price Index (CPI) would provide recipients with a fair compensation rate based upon actual expenses, and would eliminate the need to approach the Legislature every two years to address shortfalls and justify increases.

The Division estimates that granting an increase at the current annual CPI rate of 4.05 percent would require an additional \$209,520 per year. Although the Committee recognizes the difficulties associated with adopting an indexed compensation rate, the members decided the concept was worthy of discussion and debate by the full Legislature.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

25. Provide, by statute, that a foster parent receiving compensation for board and care, school supplies and clothing allowances, is entitled to receive cost-of-living increases applied to his compensation equivalent to the annual percentage increase in the Consumer Price Index (CPI) for All Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor, in the preceding calendar year. (BDR 39-490)

## **Training**

As part of their relicensing requirements, foster families are required to have at least 4 hours of approved training per year. Initial applicants for foster care must have completed an initial 8 hours of training. Testimony from foster parents indicated that such instruction is an important part of the foster care system.

As noted earlier, there has been a significant increase in the number of emotionally disturbed, mentally ill, developmentally disabled and delinquent children in the foster care system. Foster families testified that additional funding is necessary to provide the in-depth, specialized training needed to deal with children experiencing these problems. The Division is currently funded at \$3,000 per year for the 1991-93 biennium.

The Division estimates that the additional recommended amount could be utilized to: provide an annual training conference for foster parents; create a work study program within the University System; expand the existing library of training materials for use in rural Nevada; and subsidize tuition costs for national conferences or training sessions.

The Committee, therefore, recommends that the 67th Session of the Nevada Legislature:

26. Encourage the Division to include an additional \$15,000 per year in its budget request to provide additional training and retention programs for foster parents, in excess of what is required for licensing.

#### V. SELECTED REFERENCES

Adoption Factbook, National Committee For Adoption, 1989.

Cole, Elizabeth S. Report of a Study of the State of Nevada's Adoption Program, Elizabeth S. Cole Associates, 1990.

How to Adopt in Nevada, Nevada Division of Child and Family Services, 1992.

Robinson, Dale H. <u>Adoption: Federal Programs and Issues</u>, Congressional Research Service, 1991.

Study of Foster Care Provided to Children in Nevada, Legislative Counsel Bureau Bulletin No. 87-5, August 1986.

The State of Adoption in America, Child Welfare League of America, 1989.

#### VI. APPENDICES

- Appendix A Section 44, Senate Bill 611 (Chapter 643, Statutes of Nevada, 1991 at page 2142)
- Appendix B Division of Child and Family Services' Identification of Major Issues and Recommendations
- Appendix C Suggested Legislation
- Appendix D Individuals Providing Testimony

#### APPENDIX A

Section 44, Senate Bill 611 (Chapter 643, Statutes of Nevada, 1991 at page 2142).

- Sec. 44. 1. The interim committee for the review of child and family services is hereby created. The interim committee consists of:
- (a) Three members of the senate standing committee on finance appointed by the immediate past chairman of the senate standing committee on finance; and
- (b) Three members of the assembly standing committee on ways and means appointed by the immediate past chairman of the assembly standing committee on ways and means.
- 2. The interim committee may appoint such additional members as the committee deems necessary to provide it with technical assistance. Members appointed pursuant to this subsection serve without compensation and are not entitled to vote on any matter before the interim committee.
  - 3. The interim committee shall:
  - (a) Designate a chairman from among its membership.
- (b) Meet at the times and places specified by a call of the chairman or a majority of the committee.
- (c) Review any actions taken by the director of the department of human resources to assign powers and duties pursuant to section 2 of this act.
- (d) Monitor the effect of each assignment of powers and duties and the progress toward completing the assignment of those powers and duties.
- (e) Study the interaction between the department of human resources and agencies of local government regarding the provision of services to children and families.
- (f) Study public and private programs for the adoption of children and the demand for and success of such programs.
- (g) Report its findings and any recommended legislation to the interim finance committee.
- 4. Any action by the interim committee requires the affirmative vote of not less than 4 members of the committee.
- 5. Except during a regular or special session of the legislature, each member of the interim committee for the review of child and family services appointed pursuant to subsection 1 is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in committee work plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All such compensation must be paid from the contingency fund in the state treasury.

#### APPENDIX B

BOB MILLER Governor

STATE OF NEVADA

JERRY GRIEPENTROG Director

> JOHN H. SARB Administrator

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#### DEPARTMENT OF HUMAN RESOURCES

DIVISION OF CHILD AND FAMILY SERVICES 711 E. Fifth Street Carson City, Nevada 89710

(702) 687-5982

May 28, 1992

MEMORANDUM

LARRY PERI. LEGISLATIVE COUNSEL BUREAU

FROM:

TO:

JOHN H. SARB. ADMINISTRATOR

DIVISION OF CHILD AND FAMULY SERVICES

SUBJECT: REQUESTED INFORMATION FOR YUNE 19 WORK SESSION

Enclosed is the Requested Information for the Legislative Oversight Committee's June 19 Work Session.

Major initiatives are prioritized within each major functional area -- Family Support, Treatment Services, Youth Corrections and Administration. figures for each priority are included.

The Committee has expressed keen interest in treatment for adolescent sex offenders. A separate cost breakdown has been prepared for the whole continuum of care for that population.

The guiding principles for these priorities are: 1) build front end and early intervention services, 2) seek parity in service capacity across geographic areas and 3) maximize the use of federal and other non-general fund resources.

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## FAMILY SUPPORT - MASTER LIST OF RECOMMENDATIONS (PRIORITY ORDER)

- 1. CHILD WELFARE STAFFING DCFS RECOMMENDS INCREASE FUNDING OVER THE NEXT THREE (3) BIENNIUMS TO MEET
  CURRENT STATE STAFFING STANDARDS AND PROJECTED CASELOAD GROWTH.
- 2. FRONT END PROGRAMS DCFS RECOMMENDS EXPANDING FRONT END PREVENTION PROGRAMS FOR THE FOLLOWING
  POPULATIONS (IN PRIORITY ORDER):
  - A. CENTRALIZED INTAKE AND SPECIALIZED ASSESSMENT
  - \* COMMUNITY CRISIS INTERVENTION CASES (RENO)
  - \* CHILD ABUSE AND NEGLECT (RURAL)
  - \* DELINQUENCY (ENTIRE STATE)
  - \* COMMUNITY CRISIS INTERVENTION CASES (RURAL)
  - B. CLINICAL CASE MANAGEMENT
  - \* CLINICAL CASE MANAGEMENT (LAS VEGAS)
  - \* PRIVATE PSYCHIATRIC PLACEMENTS (RENO AND LAS VEGAS)
  - C. FAMILY PRESERVATION
  - \* ADOPTIVE FAMILY PRESERVATION SERVICES (RENO AND LAS VEGAS)
- 3. ADOPTIONS DCFS RECOMMENDS CREATING ONE ADOPTION SUBSIDY PROGRAM FOR CHILDREN WITH
  SPECIAL NEEDS AND DOING AWAY WITH THE MEANS TEST FOR POTENTIAL APPLICANTS.

ADDITIONALLY, DCFS RECOMMENDS AMENDING NRS 127.230 TO REMOVE "LINITED KNOWLEDGE" IN ORDER TO ALLOW OPEN ADOPTIONS WHICH WOULD BE MUTUALLY AGREED UPON BASED ON A THOUGHTFUL, INFORMED DECISION MAKING PROCESS BY THE BIRTH PARENTS, AND THE CHILD, WHEN APPROPRIATE.

FINALLY, DCFS RECOMMENDS AMENDING NRS 127.280 TO ALLOW DCFS OR ANY LICENSED CHILD PLACING AGENCY TO RECEIVE REQUESTS AND COMPLETE THE HOME STUDY INVESTIGATION AND PROVIDE A FULL RANGE OF ADOPTION SERVICES FOR SPECIFIC ADOPTIONS. IF NO CHILD PLACING AGENCY IS WILLING. THEN DCFS WOULD STILL BE REQUIRED TO COMPLETE THE STUDY WITHIN THE 60 DAY TIME PERIOD.

- 4. DCFS RECOMMENDS REESTABLISHING THE AFTER CARE MEDICAL PROGRAM TO PROVIDE PRIMARY HEALTH CARE FOR YOUTH EMANCIPATED FROM FOSTER CARE IN NEVADA FOR UP TO ONE YEAR.
- 5. DCFS RECOMMENDS AMENDING NRS 433.404 TO ALLOW FEE SCHEDULES TO BE DEVELOPED THAT WOULD ALLOW FOR LOW AND LOW MIDDLE INCOME FAMILIES TO BENEFIT FROM FRONT END PREVENTIVE SERVICES WITHOUT BEING PROHIBITIVE.
- 6. DCFS RECOMMENDS THE ESTABLISHMENT OF A LEGISLATIVE INTERIM STUDY TO CONDUCT A THOROUGH ANALYSIS OF EXISTING PROGRAMS AND SERVICES AND GAPS, BARRIERS AND NEEDS ACROSS ALL HUMAN SERVICE AGENCIES WHICH ADDRESS PREGNANT AND POST-PARTUM DRUG ABUSING WOMEN AND THEIR INFANTS. CONCOMITANTLY, AN ANALYSIS OF LAW ENFORCEMENT AND JUDICIAL SYSTEM INTERACTION WITH THESE MOTHERS AND CHILDREN (AND CRIMINAL JUSTICE SYSTEM LINKAGES TO HEALTH, WELFARE AND TREATMENT AGENCIES) TO EXAMINE WAYS IN WHICH DIFFERING PHILOSOPHIES MIGHT BE

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LINKED TO ACHIEVE A COMMON GOAL REDUCING THE NUMBER AND SEVERITY OF DRUG EXPOSED INFANTS BORN AND TO PREVENT AND AMBLIORATE THE EFFECTS OF ALCOHOL AND DRUG ABUSE BY PREGNANT WOMEN.

- 7. DCFS RECONNENDS EXPANDING CHILD WELFARE HOMEMAKERS BY TWO (2) FTE'S TO SERVE THE FALLON, ELEO AND ELY DISTRICT OFFICES.
- 8. DCFS RECOMMENDS UPGRADING THE CURRENT CASE AID POSITION WITH CENTRALIZED INTAKE CRB TO THE SOCIAL WORKER SERIES AND ADDING AND ADDITIONAL POSITION IN LAS VEGAS.

1. CHILD WELFARE STAFFING - DCFS RECOMMENDS INCREASE FUNDING OVER THE NEXT THREE (3) BIENNIUMS TO MEET CURRENT STATE STAFFING STANDARDS AND PROJECTED CASELOAD GROWTH

#### Description/Statement of Need

As was discussed at previous legislative subcommittee meetings, the child welfare case management program is severely understaffed. The ability of DCFS to follow up on complaints of abuse and neglect in a timely fashion and to properly monitor, plan and treat the children in out-of-home care is in jeopardy. Large caseloads translates into less family reunification and permanency planning which result in children remaining longer in custody and increased child welfare costs. The inability to respond promptly to abuse and neglect complaints can result in the death of a child.

Currently, DCFS is 24 social workers short in child welfare. These standards far exceed national recommendations. DCFS recommends a funding strategy over the next six (6) years by hiring a combination of social work and case mide staff. The staffing standard for the case aide positions would be one case aide per 100 payment cases. DCFS estimates that in addition to the 24 social work positions, 3 FTE's would be needed per year to keep up with cascload growth. Over the six (6) years this would translate into the hiring of 14 (fourteen) social workers (Social Work II, Step 1) and seven (7) Case Aides (Step 1) per biennium.

#### Resources Needed/Funding Strategy

The social work and case aide positions would be funded by 75% state general funds and 25% federal funds (Title IV-E, Title IV-B and Title XX)

1. Breakdown of the costs for the next biennium (FY 94 and FY 95) include 14 social work positions and 7 case aide positions under Employee Paid Retirement.

a. Social Worker II, Step 1 (Grade 32)

Employee Paid Retirement

\$27,621.73 Base Salary

Fringe x .3298 (Jusurance,

Employee Compensation,

Payroll Assess.. Personnel

Assess. Medicare, Retirement,

Worker's Comp) \$ 9,109.65 Total \$36,731.38

x 14 Social Workers

\$514,239.32 Grand Total

Revenue Sources \*25% Federal - Title IV-B, Title IV-E, Title XX = \$128,559.83

\*75% State General Fund = \$385,679.49

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b. Case Aid I. Step 1 (Grade 22)

Employee Paid Retirement

Base Salary

\$18,489.24

Fringe x .3298 (Insurance, Employee

Compensation, Payroll Assess., Personnel Assess, Medicare, Retirement, Worker's Comp)

\$ 6,097.75

Total

\$24,586.99

x 7 Case Aides

Grand Total

\$172,108.93

Revenue Sources \*25% Federal - Title IV-B, Title IV-E,

Title XX = \$43,027.23

\*75% State General Fund = \$129,081.70

2. FRONT END PROGRAMS DCFS RECOMMENDS EXPANDING FRONT END PREVENTION PROGRAMS FOR THE FOLLOWING
POPULATIONS (IN PRIORITY ORDER):

- A. CENTRALIZED INTAKE AND SPECIALIZED ASSESSMENT
- COMMUNITY CRISIS INTERVENTION CASES (RENO)
- # CHILD ABUSE AND NEGLECT (RURAL).
- \* DELINQUENCY (ENTIRE STATE)
- \* COMMUNITY CRISIS INTERVENTION CASES (RURAL)
- B. CLINICAL CASE MANAGEMENT
- \* CLINICAL CASE MANAGEMENT (LAS VEGAS)
- \* PRIVATE PSYCHIATRIC PLACEMENTS (RENO AND LAS VEGAS)
- C. FAMILY PRESERVATION
- \* ADOPTIVE FAMILY PRESERVATION SERVICES (RENO AND LAS VEGAS)

#### Description/Statement of Need

The human and financial costs of not supporting, reunifying and strengthening families and providing intensive preventive assistance in times of stress and crisis are high. These costs are measured in the extraordinary financial burden of sustaining a growing population of children in settings outside their families and once placed, inadequate resources to reunite them or find them homes. As testified earlier, since FY 87 expenditures for substitute care has been increasing by almost \$1 million every year.

The front end prevention programs - Centralized Intake/Specialized Assessment (CRB), Intensive Family Services and Clinical Case Management operated by DCFS have proven to be effective in keeping families together, finding children permanent homes and saving the state of Nevada considerable money.

Currently, front end programs are limited to various populations. For example, clinical case management for severely emotionally disturbed (SED) children is

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operational only in Reno and the Centralized Intake/Specialized Assessments are only available to the following populations:

- 1) Children being transferred to DCFS due to abuse and neglect (Reno and Las Vegas only);
- 2) Children escalating in DCFS foster care due to severe emotional problems, unmanageable behaviors and/or multiple failed placements (Reno and Las Vegas; limited availability in rural Nevada);
- Children with conflicting diagnosis, i.e., mental health, mental retardation, juvenile justice (Reno and Las Vegas; limited availability in rural Nevada);
- 4) Emergency cases where the child
  - \* is a danger to self or others;
  - \* is exhibiting severe unmanageable behaviors; or
  - \* is part of a family experiencing severe family disorganization which requires immediate out-of-home placement (Las Vegas; very limited availability in Reno and rural areas)
- 5) Front end assessments to determine level of care of Department of Education (Ch 395) children i.e. SEH, TBl, Autism (entire state)

DCFS currently does not have the CRB staff to complete a review and/or assessment on :

- 1) the delinquent population;
- 2) the majoring of rural cases including children entering DCFS custody due to abuse and neglect, children escalating in foster care and children with dual diagnosis;
- 3) juvenile sex offender population; and
- 4) community crisis cases in Reno and rural Nevada.

A total of twenty-three (23) FTE's clinical social workers (Grade 35, Step 1) are needed to adequately expand front end programs in Nevada.

# Resources Needed - Funding Strategy

DCFS anticipates using available FY 93 Intensive Family Service dollars to hire three (3) of the clinical social workers by August 1, 1992. DCFS is proposing hiring between 3 - 6 clinical social worker within the next fiscal year (July 1, 1992 -June 30, 1993) by billing for Federal Medicaid dollars. No state general fund dollars would be needed. Please refer to Appendix A for a description of the proposed Medicaid billing and the results of DCFS time study used to project revenues for this program. The remaining 14-17 clinical social workers are being requested for the next biennium (FY 94-95) and would be funded by 25% federal

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revenues (Title IV-B, Title XX and Title IV-E) and 75% state general funds. A breakdown of the costs and potential funding sources and as follows:

a. Clinical Social Worker II, Step 1 (Grade 35)

Employee Paid Retirement

Base Salary

\$31,366.98

Fringe x .3298 (Insurance

Employee compensation, Payroll

Assess., Mcdicaid, Retirement,

Workers Comp)

\$10,344.83

Total

\$41,711.81

x 23 Clinical Social

Workers

Grand Total

\$959,371.63

Revenue Sources

\* \$125,135.43 - Existing FY 93 Intensive Family Service Dollars

\* Between \$125,135.43 and - 100% Federal \$250,270.86 Medicaid Program

\*Between \$145,991.41 and - 25% Federal Match \$177,275.19 (Title JV-B, Title XX, Title

1**A-**E)

\* Between \$437,974.02 and - 75% State General \$531,825.57 Fund Dollars

The aforementioned revenue sources depend upon the amount of revenues collected under the Federal Medicaid billing for Clinical Case Management services - see Appendix A.

#### 3. ADOPTIONS -

DCFS RECOMMENDS CREATING ONE ADOPTION SUBSIDY PROGRAM FOR CHILDREN WITH SPECIAL NEEDS AND DOING AWAY WITH THE MEANS TEST FOR POTENTIAL APPLICANTS.

ADDITIONALLY, DCFS RECOMMENDS AMENDING NRS 127.230 TO REMOVE "LIMITED KNOWLEDGE" IN ORDER TO ALLOW OPEN ADOPTIONS WHICH WOULD BE MUTUALLY AGREED UPON BASED ON A THOUGHTPUL, INFORMED DECISION MAKING PROCESS BY THE BIRTH PARENTS, AND THE CHILD, WHEN APPROPRIATE.

FINALLY, DUPS RECOMMENDS AMENDING NRS 127,280 TO ALLOW DUFS OR ANY LICENSED CHILD PLACING AGENCY TO RECEIVE REQUESTS AND COMPLETE THE HOME STUDY INVESTIGATION AND PROVIDE A FULL RANGE OF ADOPTION SERVICES FOR SPECIFIC ADOPTIONS. IF NO CHILD PLACING AGENCY IS WILLING, THEN DUFS WOULD STILL BE REQUIRED TO COMPLETE THE STUDY WITHIN THE 60 DAY TIME PERIOD.

# Description/Statement of Need

The Adoption Subsidy Program provides monthly cash payments and/or medicaid coverage to parents who have adopted special needs children. The money is used to meet the day to day and extraordinary need of the child. As federally mandated, this budget also provides financial assistance to each family for legal fees.

Every study done on special needs adoption identified the presence of adoption subsidies as a major reason why so many children are placed. Many working and middle class families are capable of maintaining the child but are unwilling to significantly reduce their life style in order to adopt children with special needs. Most states and the Federal government have recognized that it needs to attract these families to adoption. Consequently, they have eliminated any means test as an eligibility requirement. The rationale is the adoption subsidy is more cost effective than leaving the child in foster care no matter what the income of the adopting parents.

# Resources Needed/Funding Strategy

Projected cost for the current adoption subsidy program (including the means tested program for non Title IV-E children) is being projected at \$531,887 for FY 94 (23% or \$122,334 is matched by the Federal government) and \$613,552 for FY 95 (\$141,117 is a federal match). It is estimated that if DCFS created on subsidy program with no "means test" for eligibility, an additional 30 children could be placed (15 with a medical subsidy only and 15 with a financial subsidy) per year. The average subsidy cost is \$291 per month per child while the average out-of-home care rate (not including children in out-of-state institutions) is \$862 per month per child. If these 30 children remained in care, the cost could be projected at \$310,320 (23% or \$71,376 would be a Federal match) for the year (not included is social work staff and other administrative costs). If the same 30 special needs children were adopted the costs could be projected at \$52,380 per year (approximately \$12,047 would be federal match). Placing special needs children in permanent adoptive homes with a medical and/or financial subsidy is clearly more cost effective than leaving the child in foster care no matter what the income of the adoptive parents.

Current Subsidy Program (Title IV-E and Non Title IV-E)		Single Subsidy Program (Eliminating Means Test)		
Federal (Title IV-E) State General Fund	FY 94 \$122,334 \$409,553	FY 95 \$141,117 \$472,435	FY 94 \$134,474 \$449,793	FY 95 \$ 154.139 \$ 516.031
Total	\$531,887	\$613,552	\$584,267	<b>\$</b> 670.170

4. DCPS RECOMMENDS REESTABLISHING THE AFTER CARE MEDICAL PROGRAM TO PROVIDE PRIMARY HEALTH CARE FOR YOUTH EMANCIPATED FROM POSTER CARE IN NEVADA FOR UP TO ONE YEAR.

#### Description/Statement of Need

The 1989 Legislature appropriated \$20,000 to the UNR for FY 90 and FY 91 to provide primary health care for children emancipated from foster care in Nevada. Primary health care services were available to young adults for up to one after their month of emancipation from foster care. Services were only available through the Family Medicine Center in Rono and Las Vogas. Due to an oversight, the University did not request that the program be reauthorized for FY 92 and 93.

In Nevada, approximately 50% of the young adults who reach the age of 18 while in foster care leave the system to live on their own. Between 1990 & 1991 one hundred fifty eight young adults were emancipated from our foster care system. The emancipation of these youth often leaves them without any support system. Upon leaving foster care they are suddenly responsible for their own financial support, housing and medical care. Unlike other adolescents, foster care youth who are discharged at age 18 have no one to provide emotional or financial assistance and obtaining affordable medical insurance is a major obstacle. Many foster youth find immediate employment in low paying service jobs which offer no benefits. The lack of affordable medical care often forces these young adults to go untreated for extended periods of time, resulting in unnecessary or more serious illnesses.

#### Resource Needed/Funding Strategy

The anticipated revenue would be state general fund dollars. The total amount for each year would be \$15,000.

5. DCFS RECOMMENDS AMENDING NRS 433,404 TO ALLOW FEE SCHEDULES TO BE DEVELOPED THAT WOULD ALLOW FOR LOW AND LOW MIDDLE INCOME FAMILIES TO BENEFIT FROM FRONT END PREVENTIVE SERVICES WITHOUT BEING PROHIBITIVE.

#### Description/Statement of Need

The Intensive Family Services front end programs have a significant fiscal impact on the State of Nevada. The monies are not saved solely through fee collections for services. Savings are experienced through the reduction of out-of-home placements in foster care, acute psychiatric and residential long-term psychiatric programs.

Many of the families that enter DCFS are below poverty level or have significant financial problems to contend with. The overall cost of DCFS preventive services are beyond the ability of most families to pay. A fee schedule with a waiver to low income families is needed to enable these families to participate in there programs and to reduce unnecessary out-of-home placements.

# Resources Needed/Funding Strategy

Any reduction in fees collected will be far outweighed by the reduction in expensive psychiatric and residential costs.

6. DCFS RECOMMENDS THE ESTABLISHMENT OF A LEGISLATIVE INTERIM STUDY TO CONDUCT A THOROUGH ANALYSIS OF EXISTING PROGRAMS AND SERVICES AND GAPS. BARRIERS AND NEEDS ACROSS ALL HUMAN SERVICE AGENCIES WHICH ADDRESS PREGNANT AND POST-PARTUM DRUG ABUSING WOMEN AND THEIR INFANTS. CONCOMITANTLY. AN ANALYSIS OF LAW ENFORCEMENT AND JUDICIAL SYSTEM INTERACTION WITH THESE MOTHERS AND CHILDREN (AND CRIMINAL JUSTICE SYSTEM LINKAGES TO HEALTH. WELFARE AND TREATMENT AGENCIES) TO EXAMINE WAYS IN WHICH DIFFERING PHILOSOPHIES MIGHT BE LINKED TO ACHIEVE A COMMON GOAL REDUCING THE NUMBER AND SEVERITY OF DRUG EXPOSED INFANTS BORN AND TO PREVENT AND AMELIORATE THE REFECTS OF ALCOHOL AND DRUG ABUSE BY PREGNANT WOMEN.

# Description/Statement of Need

The actual incidence and prevalence of Nevada newborns who are exposed prenatally to alcohol and/or other drugs is unknown. Nevada currently has no uniform drug or alcohol testing or blind studies from which this information can be extrapolated.

Department of Psychiatry and Behavior Sciences to develop and implement specialized education and training programs for professional and paraprofessional employed in health care facilities. The training will emphasis improving the knowledge, attitude and clinical skills of health professionals with regard to women who are at risk of delivering disabled infants or who delivered disabled infants because of their use of alcohol or other drugs. Additionally, UNR is conducting a retrospective records review of at least 150 women (half who are at high risk of delivering a drug exposed baby and half who are at low risk). This will establish a base line of accurate information regarding the nature of the substance abuse problem and specific factors associated with alcohol/drug high risk pregnancies. The final report is due December 31, 1992.

7. DCFS RECONMENDS EXPANDING CHILD WELFARE HOMEMAKERS BY TWO (2) FTE'S TO SERVE THE FALLON, ELKO AND ELY DISTRICT OFFICES.

#### Description/Statement of Need

Currently, there is only one child welfare homemaker available in rural Nevada. The position is currently located in Carson City. Child Welfare homemakers are used to help prevent the removal of children from homes and to increase reunification services to families where children have been removed for neglect or lack of parenting skills. Due to the lack of mental health services, the lack of support services and the shortage of staff to provide Child Protective Services in rural Nevada, Child Welfare homemakers can be an effective tool in supporting families in crisis and reunifying families in need of parenting and homemaking skills. Two FTE's are needed to serve Fallon ( 1 FTE) and the Elko/Ely area (1 FTE).

#### Resources Needed/Funding Strategy

The revenues to support 2 FTE child welfare homemakers would be state general funds. The following breakdown per year is as follows:

A 1 104 407 4011

Child Welfarc Homemaker Employee Faid Retirement \$20,853 Base Salary Fringe x .3298 (Insurance, Employee compensation, Payroll Assess., Personnel Assess., Medicare, Rotirement, 6,877 Worker's Comp)

Total

\$27,730 x 2 homemakers

Grand Total

\$55,460

8. DCFS RECOMMENDS UPGRADING THE CURRENT CASE AID POSITION WITH CENTRALIZED INTAKE - CRB TO THE SOCIAL WORKER SERIES AND ADDING AND ADDITIONAL POSITION IN LAS VEGAS.

# Description/Statement of Need

Presently, Central Intake in Reno and Las Vegas is coordinated by a single social worker in each location. While a single coordinator in Northern Nevada is working well, in the South, the demand on Central Intake threatens to overload the system. Consequently, a second intake coordinator is needed to handle the needs of the area. This position would be requested for the next biennium, Fiscal Year 1994-96. Funding would be through state general fund monies.

In addition, the present intake coordinator's are budgeted as Case Aid, grade 22 level positions. Since the position demands the knowledge, expertise and skill of the BSW level professional, DCFS is requesting both existing coordinator positions be upgraded to Social Worker, grade 32.

#### Resources Needed/Funding Strategy

The upgrades for the two current Case Aides (Grade 22) to a Social Worker 11 (Grade 32) would be approximately \$11,118 x 2 = \$22,235 pcr year.

The break down for an additional social worker is as follows:

Social Worker 11, Step ! (Grade 32) Employee Paid Retirement \$27,621.73 Base Salary Fringe x .3298 (Insurance, Employee Compensation, Payroll Assess., Personnel Assess. Medicare, Betircment, Worker's Comp) \$ 9,109.65

Total \$36,731.38

Revenue Sources \*25% Federal - Title 1V-B, Title 1V-E, Title XX = \$9,183\*75% State General Fund = \$27,548

APPENDIX "A"

# CASE MANAGEMENT REIMBURSEMENT FROM MEDICALD

Overall, 26 states have amended their state's Medicaid plan to receive reimbursement for case management services to targeted groups. In Nevada, the Welfare Division has already amended their Medicaid State Plan to allow medicaid reimbursement to the following targeted medicaid eligible clients: 1) Chronically mentally ill adults; 2) Severely emotionally disturbed children (less than 18 years of age); 3) Clients with mental retardation; and 4) Infants and toddlers who are developmentally delayed (ages birth through 2 years).

Currently, the Division of Mental Health and Mental Retardation and the Early Childhood Program in DCFS are billing the Federal Medicaid Program for Targeted Case Management Services. Medicaid reimbursement is 50% Federal and 50% State.

DCFS has identified Targeted Case Management as an allowable category for collecting Medicaid reimbursement for most of its front-end prevention programs. DCFS plans on using existing state general fund positions for the 50% state match and bill the Federal Medicaid program for 50% of the allowable service. No new state general funds would be needed. In order to assess the feasibility of billing the Federal Medicaid program for Targeted Case Management services, Children's Resources Bureau (CRB) - South and Family Crisis Intervention (FCI) -South carried out a two week time study. Case Management definitions and project results follow.

Case Management services are those services which assist individuals in gaining access to needed medical, social, educational and other services. Included in this definition are such activities as: 1) Assessment of the client's level of function and full range of treatment needs; 2) Developing a plan of care; 3) Informing the client of service and provider options; 4) Locating, coordinating and developing resources to meet client needs; and 5) Coordinating and/or participating in Interdisciplinary Team meetings. These activities, as well as several others, are billable to Medicaid as Targeted Case Management Services. Many activities performed by the front-end programs, such as specialized assessments conducted by the CRB, and clinical services provided by the Family Preservation Program and Crisis Intervention Program are billable to the Federal Medicaid Program as long as the children are Medicaid eligible.

Included in the eligible client population for DCFS Case Management services are Severely Emotionally Disturbed (SED) children (less than 18 years of age) and infants and toddlers who are developmentally delayed ( ages birth through two years). Both populations must meet selective criteria as outlined by the Nevada State Medicaid Plan.

### Time Study Results

Results of the time study indicate that CRB Case Management billings during this period would amount to \$155,847.90 annually. Forty-two percent (42%) of the overall CRB caseload in this study was Medicaid eligible for Case Management services. Twenty-three percent (23%) of the FCI caseload was determined to be Medicaid eligible, which would amount to \$19,262.10 annually. (We anticipate with a more focused effort we would be able to establish eligibility for more children in this sample.) The combined total for the two Southern Nevada programs amounts to \$175,110.00.

The same proportion of Medicaid eligibility is expected in the CRB program in Reno and in the Family Preservation program in Las Vegas. Projected figures for these programs are \$52,364.89 and \$35,793.75 respectively.

Total collections for Medicaid services for this study are estimated at \$263,268.64 annually. Since these projections and the implementation of this program are planned with no impact on the Nevada State Medicaid program, the 50% in matching funds will come from within the programs (CRB, FCI and FPP). New monies generated will, therefore, be \$131,634.32 (half of the total billable Case Management hours). This total is 100% new federal dollars which can be used to obtain additional positions for DCFS. When the Clinical Case Management programs in Reno and Las Vegas are included, revenues are expected to increase dramatically.

The results of this cursory study are very encouraging and demonstrate a need to move forward in pursuit of additional information encompassing other programs and sites. Beginning July 1, 1992 a more in-depth study will begin. This study will include both Children's Resources Bureaus (North & South), Intensive Family Services, and Family Preservation. Additionally, Case Management services for infants and toddlers who are developmentally delayed will be assessed as a separate entity.

#### PANILY SUPPORT SERVICES

A. CHILD VELFARE

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Service

Geographical Service Delivery Estimated Staff needed 1. Child Protective Services Rural Nevada Per statute, CPS is provided by Clark County Juvenile Court Services in Clark County and by Vashoe County Social Services in Vashoe County. Although CPS is provided by DCFS in all of rural Nevada, high caseloads impact the intensity of services provided. DCPS is currently justifying 32 positions for CPS but has only 23 actual positions. 2. Substitute Cara Entire State There are no waiting lists for substitute care for court ordered abuse and neglect dependents. High caseloads impact the intensity of services being provided. DCFS is currently justifying 65 positions for substitute case but only has 55 actual positions. 3. Adoptions

Entire State

According to state law, studies for independent adoptions aust be completed within 60 days of notification. There are no state laws requiring the study of a child in the state's custody to be completed within a certain time frame. DCPS is currently (4)

four positions short.

#### B. FRONT END PROGRAMS - CENTRALIZED INTAKE/SPECIALIZED ASSESSMENT

Service	Geographical Service Delivery	Estimated Staff Needed
i. Children catering out-of-home due Abuse and Meglect	Las Vegas and Remo	Based on the average number of children entering out-of-home care on a monthly basis in rural Nevada, DCFS entimates 4 FTS positions would be needed.
<ol> <li>Children escalating in DCFS foster care due to severe emotional problems, umanangeable behavior or sultiple failed placements</li> </ol>	Las Vegas and Heno; limited availability in rural Nevada.	Children escalating in rural Nevada could be served by the aforementioned positions.
3. Children with conflicting diagnosis	Las Vegas and Reno; limited availability in rural Newnda.	Children with conflicting diagnosis could be served by positions outlined in B.1. and C.:.
<ol> <li>Delinquency - youth targeted to enter DCFS custody for correctional programming and youth on parole being revoked to state institutions</li> </ol>		Based on the number of youth committed and the number revoked to state institutions in 1991, estimated staff needed for the entire state is 7.
5. Juvenile Sex Offenders	Population not being served	In reviewing statewide probation statistics from calendar year 1991 of juvenile sex offenders, DCFS estimates 4 positions would be needed to complete these assessments.
6. Department of Education (Ch 195) children i.e. SBN, FBI, Autian	Entire State	N/A

# C. FRONT END PROGRAMS - INTENSIVE FAMILY SERVICES

#### Service

#### Geographical Service Delivery

#### Estimated Staff Needed

1. Community Crisis intervention cases which serve children and femilies in crisis in the community due to suicidal, psychotic or out-of-control children.

Las Vegas

Las Vegas and Reno

2. Family Freservation Services

- D. FRONT END PROGRAMS CLINICAL CASE MANAGEMENT
- 1. Clinical Case Management

Beno

2. Private Psychiatric Placements

Population not being served

DCFS estimates 2 positions would be needed for Reno and 4 positions to cover rural Sevada.

It is estimated that an additional 113 children per year would be at rink and needing Family Preservation Services in the South and 46 children in the north. DCFS estimates 2 positions would be needed to serve adoptive cases. No calculations are available for rural Ferada.

2.1/2 FTR's are currently providing clinical case management services to Severely Emotionally Disturbed (SED) children in Beno. DCFS estimates 4 FTE's would be needed for Las Vegas. Two positions are currently frozen. No estimates are available for rural Tevada.

DCFS entimates 2 positions would be needed to screen and authorize admissions of DCFS and non-DCPS Medicaid eligible children to state and private psychiatric hospitalm.



SUMMARY OF PRIORITY RECOMMENDATIONS MAY 27, 1992

#### DCFS TREATMENT SERVICES

# SUMMARY OF PRIORITY RECOMMENDATIONS MAY 27, 1992

- 1. DCFS RECOMMENDS THAT STAFFING AND OTHER NECESSARY RESCURCES BE ADDED TO THE NNCAS AND SNCAS FACILITIES TO ACHIEVE JCAH-O ACCREDITATION.

  SEE APPENDIX A FRIGRITY #4-6 DETAILED ANALYSIS PAGE 3.
- 2. DCFS RECOMMENDS THAT EARLY CHILDHOOD SERVICES BE EXPANDED TO REDUCE WAITING LISTS AND CRITICAL SERVICE GAPS.

  SEE APPENDIX A PRICRITIES #7-10, 19, 23, 24, 25 DETAILED ANALYSIS PAGE 7.
- G. DCFS RECOMMENDS THAT EXISTING FUNDS (GROUP CARE) IN BA #3172 (NNCH) BE UTILIZED TO EXPAND THE THERAPEUTIC FAMILY CARE PROGRAM TO NORTHERN NEVADA.

  SEE APPENDIX A PRIORITY #3 DETAILED ANALYSIS PAGE 19.
- 4. DCFS RECOMMENDS THAT PURCHASED PLACEMENT STAFF SE ADDED TO PROVIDE ADEQUATE LEVELS OF GATEKEEPING, MONITORING AND CLINICAL SUPPORT TO PURCHASED OUT-OF-HOME PLACEMENTS. SEE APPENDIX A PRIORITIES #11, 12, 13 DETAILED ANALYSIS PAGE 10.
- 5. DCFS RECOMMENDS THAT THREE 10-BED SNCH COTTAGES BE CONVERTED TO THREE 6-BED INTENSIVE TREATMENT HOMES TO REDUCE WAITING LISTS FOR LEVEL IV CARE IN SOUTHERN NEVADA.

  SEE APPENDIX A PRIORITY #14 DETAILED ANALYSIS PAGE 11.
- 5. DCFS RECOMMENDS THAT FUNDING BE ALLOCATED FOR CONSTRUCTION AND STAFFING OF A 40-BED ADOLESCENT TREATMENT FACILITY IN SOUTHERN NEVADA.

  SEE APPENDIX A PRIORITY #15 DETAILED ANALYSIS PAGE E2.

# PRIORITY RECOMMENDATIONS

	KLLUMMENDA (18N	<u>ISSUE</u>	EPITMATED COST	ija va <u>n</u> ija. į Sanijas	διεταίκτιλ # Θ Ηνών <b>μ</b> ητχ	UNACARTA DE LOTERA
ί.	ADD STAIFFING AND OTHER RESOURCES NECESSARY TO ACHIEVE JUAN-U ACCREDITION IN BOTH FACILITIES NET REVENUE GAIN OF 1977,753	Lack of appropriate licensure procedures (1) consistent std. of care (2) Use of available funding sources	SNCAS \$250,567 NNCAS \$202,753	State General Fund Ist Year, litle XIX thereafter	4 & 5 6	ь 3
2.	EXPAND EC SERVICES TO REDUCE WAITING LISTS AND FILE CRITICAL SERVICE GAPS	Long waiting lists and critical service gaps and major issues in all regions	<b>\$1,</b> 104, 221	Medicaid Child Care Block Grant, State General Fund, PL99-45/	7, 8, 9, 10, 19, 23, 24, 25	v 7
3.	EXPAND THE THERAPEUTIC FAMILY CARE PROGRAM IN NO. NEVADA	No. Nevada needs more Level II (Therapeutic Foster Care) beds	\$186,4//	Existing funds in BA 3172 (NNCH) Work Program Pending	.3	P <b>19</b>
÷ 79	ADD PURCHASED PLACEMENT STAFF TO PROVIDE ADEQUATE LEVELS OF GATEKEEPING, MONITOKING, CLINICAL SUPPORT, AND FISCAL TRACKING OF PURCHSAED OUT-OF-HOME CARE.	insufficient staff to provide the training and clinical support necessary to maintain difficult children in family foster care. Insufficient staff to monitor the safety and quality of these placements.	\$256 <b>,</b> /9 /	litle AA litle IV-E litle IV-B State General Fund	11, 12, 13	ų 20
ა.	CONVERT 3 10-BED SNCH COTTAGES TO 3 6-BED INTENSIVE TREATMENT HUMES	Long waiting lists for On-Campus Treatment Homes	\$180,730	Medicaid litle XX Patient Collections	14	₽ 21
6.	FUND (FY 94) CONSTRUCTION AND (FY 95) STAFF OF 40- BED ADDLESCENT (REATMENT FACILITY (CURRENT CIP FUNDING FOR PLANNING ONLY) IN 50. NEVADA	Lack of long-term residential treatment for chronically mentally ill adolescents	\$4,500,000 Construction \$1,385,579 Staffing	Medicaid (Pending JLAH-u licensure)	ទេ	P 22

# JCAH-O ACCREDITATION SNCAS AND NNCAS

# JCAH-O ACCREDITATION SNCAS AND NNCAS

#### 1. RECOMMENDATION:

DCFS RECOMMENDS THAT RESOURCES BE ADDED TO SNCAS AND NNCAS IN ORDER TO ACHIEVE JCAH-0 ACCREDITATION FOR EACH FACILITY.

# DESCRIPTION/STATEMENT OF NEED:

Division-operated residential facilities (NNCAS and SNCAS) are currently not appropriately licensed or accredited. This issue was first addressed by the 1988 MH/MR Legislative Study Committee. This committee recommended that all Division facilities meet appropriate standards by July 1, 1992. During the 1989 Legislature, funds were appropriated to complete feasibility studies of each residential facility in order to determine the resources necessary to achieve full accreditation. The Child and Adolescent facilities were studied to determine the steps necessary to receive accreditation through the Joint Commission on Accreditation of Health Care Organizations (JCAH-O).

There are two major advantages to accreditation. Accreditation increases the likelihood that state facilities operate with an acceptable standard of care that ensures safe and appropriate treatment for Nevada's children. As a result, state liability/risk is reduced through monitoring and quality assurance activities required for accreditation.

The second major advantage to accreditation is a fiscal one. There are ever-increasing demands for services while available state general revenues for expansion are shrinking. Residential facilities that are JCAH-O accredited are eligible for medical reimbursement under Federal and State guidelines. Currently these facilities are funded primarily through State general revenue and through Title XX federal funds. Title XX federal funds are the most flexible federal funding source, but are also capped at the federal level. In contrast, Medicaid is not capped and additional federal money can be brought into the State for eligible services. Replacing Title XX funding in NNCAS and SNCAS residential facilities with "new" federal Medicaid money will save Title XX funding for other critical service needs. JCAH-O accreditation also increases the ability of these two facilities to collect other third party revenues such as private insurance. JCAH-O accreditation will also permit substantial Medicaid funding of any expansions in residential capacity.

Unfortunately, it is necessary to add staff and other resources to each program before accreditation can be achieved. However, once accreditation is achieved, a net gain of \$477,753 per year will result from both facilities (See Table 1).

#### TABLE 1

Table i illustrates the Title XX savings generated by additional Medicald revenues available if JCAH-O accreditation is achieved. Additional annualized costs for accreditation have been added to each Budget under Proposed Program Cost. Amount of State General Funds to cover costs remain the same. Title XX funding is decreased, while Medicald Funding is increased proportionate to the reimbursable Federal Share. The decreased requirement for Title XX funding frees up \$477,753 for other program needs.

#### ANALYSIS

Current Program Cost (without accreditation)	Title XX	<u>Funding Sources</u> State General Fund	Title XIX	Jther
SNCAS (BA #3646) 6,783,406	1,488,557	4, 413, 884	145.000	73 <b>5, 965</b>
NNCAS (BA #3281) 4,466,854	1,320,076	2, 453, 647	125,186	56 <b>7, 345</b>
Proposed Program Cost (with accreditation)	Title XX	Funding Sources State General Fund	Title XIX	Other
SNCAS (BA #2646) 7,033,973+	1, <b>079</b> ,154	4, 413, 884	8 <b>04,</b> 97 <b>0</b>	735, 965
NNCAS (BA #3281) 4,669,607	1,252,326	2, 453, 647	396, 289	567, 34 <b>5</b>

Net Savings	<u>Title XX</u>
SNCAS	\$409,403
NNCAS	<u>\$ 68,350</u>
	\$477,753

<sup>\*</sup>Does not include one-time costs for survey, equipment purchases and building improvements. SNCAS = \$25,704 NNCAS = \$37,400

# RESCURCES NEEDED/FUNDING STRATEGY:

Staffing 1 Chief of QA (38-1) 1 Med Records Director (35-1) 1 Nursing Director (40-5) 1 Facility Supervisor (35-1) Salary Subtotal	47,474 41,716 56,661 41,716 187,567	
Travel	0	
Operating	4,000	
Contact Services (Pediatric, Lab. Dietician, Pharmacy) <u>Total</u>	<u>59,000</u> \$2 <b>50,</b> 567	Title XIX  Estimated Additional  Revenue: \$649,970
NNCAS Staffing 1 Chief of QA (38-1) Reclass 3 LPN to RN I Nursing Director (40-1) Salary Subtotal	Annual Cost•  47,474 19,188 56,661 123,323	
Travel	Ø	
Operating	3,000	
Contract Services (on-call Psychiatrist, Physician, OT/PT, etc.)	76,430	Title XIX Estimated Additional
<u>Total</u>	<b>\$202,</b> 753	Revenue: 271,103

State General Fund will be needed for the 12-18 months. Thereafter, Title XIX funds will cover the expanded program costs.

<sup>\*</sup>Does not include one-time costs of equipment, services, facility improvements.

# EARLY CHILDHOOD SERVICES

Early Childhood Services Programs have been consolidated state-wide in order to establish consistent standards of care, facilitate program development in underserved areas, and maximize the use of federal revenues (i.e., Title XX, Child Care Block Grant, Title XIX, and Chapter 99-457 Education Funds). The efficacy of Early Childhood Programs is well established. These programs are particularly cost-effective in reducing recidivism rates and preventing costly, long-term out-of-home care for both developmentally delayed and emotionally disturbed young children.

# EARLY CHILDHOOD SERVICES

#### 2. RECOMMENDATION:

EXPAND EARLY CHILDHOOD SERVICES IN ORDER TO ADDRESS THE ISSUES OF: 1) LONG WAITING LISTS; AND 2) CRITICAL SERVICE GAPS.

# DESCRIPTION/STATEMENT OF NEED:

Waiting lists are the first major issue for these programs. In spite of modest growth in these services over the past biennium, Early Childhood Programs continue to have the longest waiting lists for services in the Division. It is important to note that young children (0-5 years) are the fastest growing population segment (second only to senior citizens) in Nevada. Long waiting lists for these programs defeat their purpose in providing early intervention and preventative efforts.

Table 2 depicts current and projected case loads and waiting lists by region and by program.

Critical service gaps are the second major issue for Early Childhood Services. Early Childhood Programs are most effective when a <u>full</u> continuum of service modalities can be made available to meet each child and family's unique and individualized needs. Ideally, each region needs to have service capacity in at least the following areas: 1) case management services; 2) mental health treatment; 3) developmental interventions; 4) respite care; and 5) related therapies (speech, occupational, physical therapy). Critical service gaps occur in <u>all</u> regions. The following Table 3 depicts gaps by region.

A. Early Childhood Mental Health Services provides intensive counseling, day treatment, and case management services for emotionally disturbed young children (0-6 years) and their families. Average monthly case load in Southern Nevada is approximately 282 clients. Average monthly case load in Northern Nevada is approximately 53 young children and families.

Long waiting lists exist for both of these programs. Waiting lists have averaged 78 young children (FY 92) in Northern Nevada and 76 young children (FY 92) in Southern Nevada. New referrals typically must wait from four to six months for services.

Only 1/3 of Southern Nevada clients receive needed <a href="https://doi.org/10.1001/journal.com/">https://doi.org/10.1001/journal.com/</a> and sa a result of <a href="https://doi.org/10.1001/journal.com/">journal.com/</a> and <a href="https://doi.org/10.1001/journal.com/">https://doi.org/10.1001/journal.com/</a> and families with limited education.

Unavailability of Early Childhood Mental Health Services in Rural areas is a critical service gap, especially in Southern Nevada.

Lack of crisis intervention and respite services in Northern Nevada is a critical service gap issue for this program. Using projections from the Southern Nevada Crisis Intervention Program, it is projected that approximately 50 children and their families will benefit from crisis intervention and respite services if available in Northern Nevada. Intensive crisis intervention and short term (up to 72 hours) respite care can provide a temporary safe environment for children while families receive a needed crisis intervention. The result of this type of intervention have proven to be cost-effective in minimizing long-term out-of-home placements while providing support for families in crisis.

# RESOURCES NEEDED/FUNDING STRATEGY:

#### (1) Northern Nevada Mental Health - Waiting Lists

Mental Health Counselor Mental Health Counselor Program Assistant II Salary Subtotal	
In-State Travel	6,696
Operating Expenses	4,100
Equipment Expenses	11,207
<u>Total</u>	127,557

#### (2) Northern Nevada Mental Health - Crisis Intervention

Mental Health Counselor II (35-1) Program Assistant II (25-1) Salary Subtotal	39, 320 26, 914 66, 234
In-State Travel	2,520
Operating Expenses (includes contracted respite providers)	14,050
Equipment Expenses	9,731
<u>Total</u>	92,535

# (3) Southern Nevada Mental Health - Waiting Lists

Mental Health Counselor II Mental Health Counselor II Clinical Social Worker II Clinical Social Worker II Public Service Intern Program Assistant II Program Assistant II Salary Subtotal	(35-1) 39,320 (35-1) 39,320
In-State Travel	12,060
Operating Expenses	26, 930
Equipment Expenses	18,547
<u>Total</u>	2 <b>97,</b> 558

# (4) Southern Rural Mental Health Services - Service Gap

Mental Health Counselor Salary Subtotal	III (37-1) <u>42,717</u> 42,717
In-State Travel	8,988
Operating Expenses	8,340
Equipment Expenses	6,501
<u>Total</u>	66,546

Approximately 30-35% of those clients who may be served by expanded programs will be eligible for Medicaid reimbursements. Currently, an analysis is being conducted to determine the proportion of new federal medicaid funding may be used to off-set the costs of these expansions. In addition, an analysis is being conducted on current programs to determine what additional Medicaid revenues may be generated from these existing programs through the mental health care management option.

Additional Child Care Block Grant funding may also be available.

B. Early Childhood Developmental Services - South (First Step)
provides center/home-based early intervention services, case
management and parent support to an average monthly case
load of 106 children with severe/profound developmental
delays. Children served by this program have conditions
such as chromosome abnormalities, severe cerebral palsy,
Charge Syndrome, deaf/blind, Fragile X, Fetal Alcohol
Syndrome, severe disabilities as a result of viral or
bacterial infections, hydrocephalus, microcephalus, Hurlers
Syndrome, HIV+, Downs Syndrome, etc.

The waiting list for this program averages 76 (FY 92) young children at the present time. Children waiting for services are often medically fragile and families are in crisis. A critical service gap for this program is the unavailability of related therapies -- approximately 90% of the children served need additional speech, physical, and occupational therapy to enable them to benefit from early intervention services.

# RESOURCES NEEDED/FUNDING STRATEGIES:

Child Development Specialist Child Development Specialist Public Service Intern Teacher Assistant II Salary Subtotal	(35-1) (27-1)	39,320 39,320 28,913 26,914 134,467
In-State Travel		6,840
Operating Expenses		45,000
Equipment Expenses		11,462
Total		197.769

It is estimated that approximately 30% of those served by program expansion will be eligible for Medicaid reimbursement through the targeted case management option and an additional \$300,000 in PL99-457 funding is expected (state-wide). Patient collections, including private insurance, is also a potential revenue source

# Early Childhood Developmental Services - Northern Nevada (Infant Enhancement Program)

This program is offered cooperatively with the Division of Health. Early intervention services are provided to urban and rural Nevada infants and toddlers with developmental delays who are admitted to the neonatal intensive care and pediatric units of St. Mary's Regional Center and Washoe Medical Center in Reno. Services include case management, family support and training, developmental assessments, developmental intervention. Average monthly case load for this program is 28 infants and toddlers.

The presence of a <u>critical service gap</u> is the most important issue for this program. A total of 186 children/families participated in this program in FY 92. Upon discharge from the hospital, 122 of 186 children were referred for follow-up services through other early intervention providers. 28% of those families referred did not contact an early intervention provider and did not receive needed follow-up services. The addition of case management services would ensure that all families in need of follow-up care are connected with other providers upon hospital discharge.

## RESOURCES NEEDED/FUNDING STRATEGY:

Child Development Specialist II (3) Child Development Specialist II (.) Salary Subtotal	
In-State Travel	3,720
Operating Expenses	<u>3,950</u>
Total	<b>56,</b> 6 <b>5</b> 1

It is estimated that approximately 30% of those served by program expansion will be eligible for Medicaid reimbursement through the targeted case management option and an additional \$300,000 in PL99-457 funding is expected (state-wide). Patient collections, including private insurance, is also a potential revenue source.

# 5. Early Childhood Developmental Services - Rural (HAPPY)

This program provides early intervention services for developmentally delayed infant and toddlers (0-2 years) who reside in rural Nevada (50 miles outside of Reno or Las Vegas). Services include family support, case management, developmental intervention, and related therapies. The program serves an average case load of 25 children in Northern Nevada and 14 children in Southern Nevada.

Waiting lists have averaged 45 children in Southern Nevada and 17 children in Northern Nevada for each month in FY 92. Due to the programs limited capacity, children and their families have waited an average of six months for services. The unavailability of related therapies is also an issue for this program. Nearly 100% of all children receiving services are waiting for related therapy such as physical, occupation, and/or speech therapy.

#### RESOURCES NEEDED/FUNDING STRATEGIES:

#### (1) Northern Rural Nevada

Child Development Specialist II (35-1) Program Assistant II (25-1) Salary Subtotal	39,320 26,914 66,234
In-State Travel	9,648
Operating Expenses (includes contracts for related therapies)	71,184
Equipment Expenses	13,096
<u>Total</u>	160, 162

#### RESOURCES NEEDED/FUNDING STRATEGY:

#### (2) Southern Rural Nevada

Program Assistant II (.5) (25-1) Salary Subtotal	$\frac{14,740}{14,740}$
In-State Travel	5,040
Operating Expenses	13,000
Equipment Expenses	10,703
Contracts for related therapies	51,960
<u>Total</u>	95, 443

It is estimated that approximately 30% of those served by program expansion will be eligible for Medicaid reimbursement through the targeted case management option and an additional 9300,000 in PL99-457 funding is expected (state-wide). Patient collections, including private insurance, is also a potential revenue source.

TABLE 2

DIVISION OF CHILD AND FAMILY SERVICES
EARLY CHILDHOOD SERVICES

**OVERVIEW OF CASELOADS** 

		Ì						CIM	SUPP	
NORTHERNAURAL Mortal Health	0-5 years	59.5	86	53.3	78	<b>3</b> 0.0	50	3.5	1.75 .5	+ 1.5 new FYE/eff 4/92 1:25 ratio/professional 2.45% growth
Pural Developmental	0-2 years	22.0	23	25.0	45	49.0	14	3.0	.5	+ 2.0 new FTE/eff 5/92 1:16 ratio/professional 2.07% growth
Infant Enhancement	0-2 years	25.0	0	28.0	0	29.0	0	1.0	0	2.45% growth
SOUTHERN/RURAL Mental Health	0-5 years	282.0	83	293.0	76	330.0	95	15.0	3.0 1.0	+ 1.0 new FTE/eft 4/92 + 1.0 pending 1.25 ratio/professional 3.78% growth
Rural Developmental	O-2 years	11.0	5	14.0	17	24.0	6	1.5	.6	+.6 new FTE/eff 5/92 1:16 ratio;professional 2.07% growth
First Step	O-2 years	95.6	34	108.0	76	106	97	5.0	1.0	1:21 case-professional 3.78% growth

<sup>\*</sup>Projected numbers based on growth estimates received from State Demographer New data to be available end of April

<sup>\*\*</sup>Does NOT include contract individuels or related theraples

TABLE 3

<u>CRITICAL SERVICE GAPS</u> (-)

	Case Management	EC Mental Health	EC Developmental	Crisis/Respite	Related Therapies
North (Washoe County)	-	•	•	-	+
No. Rural	•	-	•	-	-
South (Clark County)	<b>+</b>	•	•	•	-
So. Rural	•	-	-	-	-

# THE RESIDENTIAL CONTINUUM

In the October, 1991 Progress report to the Interim Oversight Committee, information was presented on the six necessary levels of residential care and treatment provided by the Division of Child and Family Services, with current and ideal capacity figures. Updated figures are shown in Table 4. These changes have occurred in purchased residential services in order to fill service gaps. Other gaps can be addressed by the following recommendations as noted.

TABLE 4
CAPACITY BY LEVEL OF CARE

		Current		Capacity	Ideal	
Level of Care	Region	Purchased	State	Total	Capacity	
Family roster Care	North South Rural Total	270 1,006 ,45 1.621		270 1,006 345 1,621		
Sheiter Care	North South	წ 21		ნ 21		
Level i Jare	North	14	4 <b>0</b>	54	22	
	South	54	5 <b>0</b>	114	69	
	Rural	15	0	15	2 <b>0</b>	
Leve: 11 Care	North*	18	8	26	49	
	South	79	Ø	79	153	
	Rural	Ø	Ø	Ø	47	
Leve: III Jare	North	54	4	58	23	
	South	71	0	71	70	
	Rural	0	0	0	22	
Level IV Care	North	ა	32	32	29	
	South**	ა	58	58	9 <b>0</b>	
	Rural	ა	Ø	ທ	28	
Lever / Mare	North	ડ	Ø	9	5	
	South	છ	12	12	18	
	Rural	છ	Ø	9	5	
TOTAL		340	214	554	639	

- See Recommendation #4, Therapeutic Foster Care
- \*\* See Recommendation #5 and #6, Treatment Homes and Adolescent Treatment Facility

# THE RESIDENTIAL CONTINUUM

#### J. RECOMMENDATION:

CFS RECOMMENDS THAT EXISTING FUNDS (GROUP CARE) IN BA #3172 (NNCH) BE UTILIZED TO EXPAND THE THERAPEUTIC FAMILY CARE PROGRAM TO NORTHERN NEVADA.

# DESCRIPTION/STATEMENT OF NEED

Therapeutic Foster Care provides community-based, individualized, samily-style treatment to children with severe emotional, conduct, and learning problems. A maximum of two children at a time (4-16) years are placed in the home of specially trained foster parents. The success of the program depends on professionals who provide intensive, home-based clinical support and 24-hour crisis intervention to the child and foster parents. (Ratio of 1 clinical FTE: 3).

Nationally, this program has been demonstrated to be extremely cost-effective in treating chronically disturbed children who lack viable family resources and need long-term care.

The Therapeutic Family Care Program in Southern Nevada serves up to 24 children with three clinical FTE. Funding for eighteen beds (foster parents stipends is available through BA #3229) DCFS Substitute Care. However, there are no clinical staff available to train and support these beds. In addition, more beds are needed to accommodate referrals from Washoe as well as Rural counties.

During the 1991 Legislature two homes were closed at NNCH and funding in BA #3172 (Category 20) was authorized for alternative community care contracts.

The analysis of placements needed at each level of care presented in the October. 1991 Progress Report was utilized to develop a plan for expending the funds set aside for community care in BA #3172. This analysis has been updated in Table 4 and indicates the critical need for Level I beds in Northern and Rural Nevada.

The Therapeutic Family Care model appears to be the most costeffective way of providing Level 2 care in these areas. In
recognition of this fact, bids were solicited to develop a
Therapeutic Foster Care Program in Northern Nevada through
interested private providers. Three bids were received, offering
the needed services at a per diem cost ranging from \$46 per day
to \$59 per day. However, Southern Nevada's existing stateiperated TFC Program costs approximately \$39 per day.

Since it appeared to be least costly to expand the existing state-operated program to Northern Nevada rather than contract with private providers, a work program has been submitted to request that funds from BA #3172 (20) be transferred to BA #3172 (01 and 04) in order to establish the clinical support positions and operating costs necessary to fully implement the Therapeutic Family Care Program in Northern Nevada. Cost for foster parent stipends are available through BA #3229 DCFS Substitute Care.

# RESOURCES NEEDED/FUNDING STRATEGY

Mental Health Counselor II (35-1) Mental Health Counselor II (35-1) Child Development Specialist II (35-1) Management Assistant I Salary Subtotal	38.192 38.192 38.192 15.549 130,125
In-State Travel	3,600
Operating Expenses	2,891
Total	136,616

FY 93 position and operating costs of 136,616 may be covered by existing funds in BA #3172 (20) which total 186,477. The remaining funds in BA #3172 (20) may be used for a foster parent stipends in order to further expand the number of placements available to approximately 24 beds. (Other funding for foster parent stipends available through BA #3229 as described above).

#### 4. RECOMMENDATION:

DCFS RECOMMENDS THAT PURCHASED PLACEMENT STAFF BE ADDED TO PROVIDE ADEQUATE LEVELS OF GATEKEEPING, TO MAKE APPROPRIATE PLACEMENT DECISIONS; MONITORING, AND CLINICAL SUPPORT TO PURCHASED OUT-OF-HOME PLACEMENTS.

#### DESCRIPTION/STATEMENT OF NEED:

There are insufficient staff to monitor the safety, quality, and cost-effectiveness of purchased residential placements. Currently, nearly thirteen millon dollars is spent yearly by DCFS for purchased substitute care, ranging from family foster care to intensive institutional placement. With over sixteen hundred children in purchased out-of-home care, only ten clinical FTE are available to conduct the following necessary activities: 1) review and admit children to appropriate levels of care; 2) provide training and clinical support to maintain difficult children in the lowest level of care possible; 3) monitor the safety and quality of all purchased residential placements, including out-of-state care.

Staff currently monitor the placements of between 100 and 250 children at a time. Staff-to-client ratios need to be reduced to 1:100 for each family foster care and 1:60 for higher levels of care. In 1991, better monitoring of purchased care was stated as a priority by those foster teens testifying before the Committee. Institutional abuse reports, which exceed 100 cases annually, are another indication of the critical need for additional monitoring.

# RESOURCES NEEDED/FUNDING STRATEGY:

# Gatekeeping/Monitoring

Mental Health Counselor II (35-1) Mental Health Counselor II (35-1) Management Analyst (35-1)	44,157
Salary Subtotal	132, 471
In-State Travel	4,100
Operating Costs	3, 248
Equipment Costs	13,845
Total	153,664
Foster Care Training/Support	
Clinical Social Worker II (35-1)	
Clinical Social Worker II (35-1) Salary Subtotal	88,314
In-State Travel	3,600
Operating Costs	2,748
Equipment Costs	8,471

Title IV-E, IV-B can be utilized to fund up to 25% of these positions. Title XX and State General Fund are additional potential revenue sources.

#### 5. RECOMMENDATION:

Total

EXPAND THE CAPACITY OF INTENSIVE FAMILY-STYLE RESIDENTIAL TREATMENT (LEVEL IV CARE) BY CONVERTING THREE 10-BED SNCH COTTAGES TO THREE 6-BED INTENSIVE FAMILY-STYLE RESIDENTIAL HOMES.

103, 133

# DESCRIPTION/STATEMENT OF NEED:

Currently, Southern Nevada Child and Adolescent Services operates a 46-bed on-campus family style residential care program on the West Charleston campus in Las Vegas. This program provides intensive, long-term residential treatment (Level IV care). analysis of needed capacity completed in October, 1991 (See Table 4) indicated a need for additional Level IV beds in Southern Nevada. Currently, there are no contractors available to purchase such beds in Southern Nevada. In FY 92, the waiting list for this program has averaged 18 youths. Children in need of care have had to wait between four and six months for placement. Expansion of this program is critically needed. cost-effective way to accomplish this purpose is to convert Level I care beds at the Children's Home to intensive, family-style residential treatment (Level IV care). Additional Level I beds can then be purchased through community group providers at a rate between \$35 and \$45 per day, if needed. The October, 1991 analysis suggested, however, that there is a surplus of Level I beds in Southern Nevada.

# RESOURCES NEEDED/FUNDING STRATEGY:

Reclassification of 6 FTE Cottage Couple II to Teaching Parent II (53-1) 96.056 Reclassification of 3 Cottage Couple Substitutes to Teaching Parent Reliefs (31-1)35, 243 Clinical Social Worker III (37-1) 45, 455 Salary Subtotal 176,754 In-State Travel 500 Operating Costs 1.000 Equipment Costs 2,476 Total 180.730

Title XX funding and State General Revenue are potential funding sources. If these homes are JCAH-O accredited, approximately 35% of costs will be Medicaid reimbursable with new Federal Medicaid.

# 6. RECOMMENDATION: DCFS RECOMMENDS THAT FUNDING BE ALLOCATED FOR CONSTRUCTION

AND STAFFING OF A 48-BED ADOLESCENT TREATMENT FACILITY IN SOUTHERN NEVADA.

F. SD Specific Treatment in Correctional N/A N/A 119,928
Facility, i.e., NYIC (6%) 14 beds.

Facility, i.e., NYIC (6%) 14 beds.

Casemanagement = \$45 X 3 hrs. per week

X 14 X 26 wks = \$49,140

Group Therapy = \$32 X 3 hrs. per week

X 14 X 26 wks = \$34,944

Individual Therapy = \$96 X 1 hr per week

X 14 X 26 wks = \$34,944

<u>Secure, Locked facility with</u>
 <u>SD Specific Treatment</u>, 14 beds,
 1.e., Benchmark. Current rate
 1282 per day.

11,012,291 1292,458

231, 389

1,446,129

\$119,028

\*SAIP Program (SNCDS) \$327,312

\*\*Additional costs to increase level of monitoring/care at Desert Hills.

Current funding at \$240,000 per year.

#### DESCRIPTION/STATEMENT OF NEED:

Currently, the lack of a staff-secure, 24 hour-awake long-term residential treatment program in Southern Nevada is a critical service gap. As early as 1988, the Interim Legislative Study Committee of the Division of Mental Health and Mental Retardation recognized this service gap and recommended in Bulletin 89-13 that planning be initiated for at least a 20-bed facility located in Clark County to deal with this population.

During the 1989 legislative session, a 12-bed program was approved and specifically designated for those disturbed adolescents with sex offense-specific problems. Implementation of the program was predicated on space being made available at no cost through Clark County Juvenile Court Services. When the Clark County Commission would not ratify that arrangement, the program was temporarily sited in the Adult MH/MR Hospital on the West Charleston campus. This program began operation in February, 1991.

The need for a facility to treat emotionally disturbed youths with secondary delinquency problems was again discussed during the 1990 Interim Legislative Study of the Division of MH/MR. recommendation of this committee was to support the construction of a 40-50 bed facility to house emotionally disturbed youths with secondary delinquency problems. This facility was to provide a permanent location for the adolescent sex offender program as well to add additional beds for emotionally disturbed youths with other delinquency problems. The analysis conducted in October, 1991 (See Table 4) indicated additional capacity was needed in the Southern Nevada area based on population estimates. However, a more compelling justification for this program are the numbers of pre-adolescents and adolescents currently placed outof-state due to lack of in-state programs. Currently, there are 25 youths who fit this description in expensive out-of-state In addition, there are some adolescents placed placements. inappropriately at Caliente and Elko who are in need of such long-term residential placement.

#### RESOURCES NEEDED/FUNDING STRATEGY:

Staffing for an additional 22 beds is planned at a total cost of approximately 1.5 million dollars. The plan is to add staffing for two units (pre-adolescent and adolescent), and fund construction of a facility to relocate the SNCAS Acute Residential Program and Adolescent Sex Offender Program currently temporarily sited in the Adult Hospital.

State General Fund dollars would be needed to fund construction. It is expected that up to 35% of program costs could be covered by Medicaid reimbursements as this facility would be JCAH-O accreditable. Patient collections, including private insurance, is also a potential revenue source.

#### APPENDIX A

## RESPONSE TO LCB QUESTION #4, DATED 3/24/92

### TREATMENT SERVICES ISSUES AND RECOMMENDATION

PRIORITY #	REVIEW	PROGRAM UNIT	ISSUES	RECOMMENDATIONS	ESTIMATED COSTS	REVENUE SOURCE
1	Statevide	EC	Fragmentation of Early Childhood Services Budgets. Currently, operating funds are spread between 4 state budget accounts: #3276, 3279, 3281, and 3646.	Consolidate Early Childhood Operating funds into one Program Budget to maximize use of state and federal resources.	<b>60</b>	H/A
2	Statevide	PPS	Frequentation of Purchased Placement Budgets. Currently, funds for this program are in 7 different budget accounts maintained by different fiscal staff.	Conmolidate PPS budget into 1 account.	€0	H/A
3 103	Northern Nevada	PPS	Horthern Nevada needs more Level II beds. The therapeutic Family Care Program is the most cost-effective Level II care option. However, this program in Northern Nevada lacks clinical support staff to train and consult with foster parents and therefore does not meet minimum standards of care for such a program.	Expand the Therapeutic Family Care Program and add 3.5 FTE staff to meet minimum standards of care. This can be accomplished through use of \$186,477 in BA 3172 (NMCH) designated for community-based residential care (pending work program).	<b>•</b> 0	H/A
4	Southern Nevada	SNCAS	Lack of appropriate ligensure/ accreditation prevents use of available 3rd party payments and Title XIX funds as revenue sources for residential programs.	Add 4 FTE and other resources necessary for JCAH-O accreditation Estimated benefit in Title XIX (Federal) revenues 0649,970.	<b>\$257,810</b>	State General Fund

PRIORITY #	REVIEW	PROGRAM UNIT	<u>Issues</u>	RECONNENDATIONS	ESTIMATED COSTS	REVENUE SOURCE
5	Horthern Nevada	NNCAS	Lack of appropriate licensure/ accreditation prevents use of evailable 3rd party payments and Title XIX funds as revenue sources for residential programs.	Add 4 FTE and other resources necessary for JCAH-O accreditation Estimated benefit in Title XIX (Federal) revenues 0261,103.	<b>€245, 0</b> 39	State General Fund
6 104	Horthern Hevada	NNCAS	Heed for short-term acute inpatient beds for emotionally disturbed adolescents in crisis. Currently, the Adolescent Treatment Center has 2 short-term acute beds.	Convert 2 additional beds to short-term acute inpatient. Free up these beds by transitioning adolescents to lower levels of long-term care as appropriate and available in community through the Purchased Placement Services Unit. Higher acuity beds require addition of 1 FTE RN.	•41,61 <b>0</b>	State General Fund Title XX Patient Collection ADMS Block Grant
<b>7</b>	Southern Nevada	EC	Need for case management services to meet IDEA federal requirements for all eligible children.	Use Medicaid (Targeted Case Management Option) to expand services by 1.5 FTE.	\$8 (\$25,660 additional federal funds will cover costs; work program pending).	1
8	Horthern Hevada \	EC	Long weiting lists for Early Childhood Hental Health and Rural Developmental Services in Northern Nevada	Expand these services by adding 2 Clinical FTE for EC Hental Health and 1 FTE for Rural Developmental Services.	\$85, 64 <b>4</b>	Child Care Block Grant Medicaid Title XX Patient Collection State General Fund
9	Southern <b>Nevada</b>	EC	Long veiting list for 1st Step Rural Developmental Services, Early Childhood Mental Health Services in <u>Southern Mevada</u> .	Add 4 FTE to reduce waiting lists: ist Step 2 CDS II Rural Development 1 CDS II Hental Health 1 MHC II	<b>\$172, 288</b>	Child Care Block Grant Medicaid Title XX Patient Collection State General Fund

PRIORITY •	REVIEW	PROGRAM UNIT	ISSUES	RECONNENDATIONS	ESTIMATED COSTS	REVENUE SOURCE
10	Statevide	EC	Need for additional contract physical, speech, occupational therapy and pediatric services due to vaiting lists and federal requirements.	Expand contract funding for these services.	\$195,408 (South) \$197,508 (North)	Child Care Block Grant Hedicaid Patient Collection State General Fund
11	Statewide	PPS	Insufficient staff to monitor the safety and quality of substitute care. Current staff each monitor over 90 placements. Ideal staff and bedmonitoring ratio is 1:60.	Add 2 FTE (1 FTE North; 1 FTE South) to provide adequate monitoring, evaluation and support.	<b>\$86,644</b>	Title IV-E Title IV-B State General Fund
12	Statevide	PPS	These are insufficient staff to provide the training and clinical support necessary to maintain difficult children in family foster care. Currently, staff are each responsible for an average of 230 homes. Ideal staff:home ratio is 1:100.	Add 2 additional clinical FTE (1 FTE North, 1 FTE South) to provide adequate coverage.	<b>€85, 644</b>	Title IV-E Title IV-B State General Fund
105	Statevide	PPS	Need for additional staff resources for financial tracking, tracking of providers, billings, fiscal audits of providers and contract development.	Add 1 FTE Henagement Analyst to provide program support.	<b>\$42, 822</b>	State General Fund
14	Southern Nevada	SNCAS	Long waiting lists for On-Campus Treatment Home Program.	Convert 3 10-bed SNCH Cottages (Level I Care) to 3 6-Bed Treatment Homes (Level IV Care).	€151, 129	State General Fund Medicaid (pending JCAH-O licensure)

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PRIORITY .	REVIEW	PROGRAM UNIT	ISSUES	RECOMMENDATIONS	ESTIMATED COSTS	REVENUE SOURCE
15	Southern <b>Neva</b> d <b>a</b>	SHCAS	Lack of long-term residential treatment for chronically mentally ill adolescents. These adolescents typically have secondary conduct/delinquent problems and need 24-hour awake supervision and security not available in family style treatment homes. Some of these youths are currently placed in out-of-state facilities. Sex offender program also needs permanent facility as it is currently temporarily housed in adult hospital.	Fund (FY-94) construction and (FY-95) staffing of 40-bed adolescent treatment facility (Current CIP functioning available for planning phase)	\$4,500,000 Construction \$1,385,579 Yearly Staffing	Medicaid (pending JCAH-O licensure) State General Fund Patient Collection
16	Southern Nevada	SNCAS	Lack of supporting Outpatient Services for Autistic and Sex Offender Residential Program. Outpatient Services has no staff to provide specialized aftercare and family counseling services to clients discharged from sex offender and autistic residential programs.	Add 2 FTE HHC II's to provide necessary outpatient services prior to and following discharge from these programs	\$85, 644	Medicaid Title XX Patient Collection ADMS Block Grant State General Fund
17	Northern Nevada	NNCAS	Long vaiting lists in Outpatient Counseling Program reduce ability of this program to prevent out-of-home placements.	Add 2 FTE NHC II's to reduce waiting list and increase responsiveness of this program.	\$85 <b>,</b> 644	Medicaid Title XX Patient Collection ADMS Block Grant State General Fund
18	Northern Nevada	EC	Crisis intervention and respite services are currently federally funded only until 8/31/93. This intense program has been effective in preventing foster placement for young children.	Write Grant to continue services. or Fund 4 FTE through state general fund and Title XIX.	\$149,717	Title XIX Title XX State General Fund

PRIORITY #	REVIEW	PROGRAM UNIT	ISSUES	RECOMMENDATIONS	ESTIMATED COSTS	REVENUE SOURCE
19	Northern Nevada	EC	Need for crisis therapeutic respite care for families in Northern Nevada.	Add funds for 1 FTE clinica coordinator and funds for contract providers.	1 \$63, 332	Title XIX Title XX State General Fund
20	Statewide	PPS	Lack of appropriate residential care resources by region as follows (see analysis in October Progress Report)			
			Level I Care. Rural Region needs 20 beds.  Level II Care. Northern Region needs 18 beds. * Southern Region needs 46 beds. Rural Region needs 47 beds.	Fund additional beds at appropriate levels.	\$292,000 (\$40/day) \$254,633 (\$38.76**/day) \$1,007,400 (\$60/day) \$1,028,300 (\$60/day)	Title XX Title IV-E Title IV-B State General Fund
			Level III Care. Southern Region needs 27 beds.		\$788,400 (\$80/day)	
21 107	Northern Hevada	NNCAS	Long vaiting lists for outpatient services reduce the ability of this program to prevent out-of-home placements.	Add 2 FTE NHC II to reduce existing waiting lists.	<b>€85, 644</b>	Patient Collection Medicaid Title XX ADMS Block Grant State General Fund
22	Southern Nevada	SNCAS	Inadequate Outpatient Services for rurel areas of Southern Nevada 1 FTE funded in FY-92 is available to serve all rural areas of Southern Nevada including Pahrump, Laughlin, Mesquite, and Moapa.	Add 1 FTE NHC II to provide additional services.	\$57 <b>,</b> 8 <b>0</b> 3	Patient Collection Medicaid Title XX ADMS Block Grant State General Fund

<sup>\*</sup>Including those referenced in #3 above \*\*Rate based on expansion of TFC model.

PRIORITY •	REVIEW	PROGRAM UNIT	<u>issues</u>	<u>RECOMMENDATIONS</u>	ESTINATED COSTS	REVENUE SOURCE
23	Northern Hevada	EC	Need for additional Infant Enhancement staff for: 7-day coverage; and more intensive case management services for families upon transition of client from hospital meonatal unit to next service provider (28% do not connect with needed aftercare services).	Add 1.5 clinical FTE to provide case management and continuous coverage of neonatal unit.	\$68 <b>,</b> 267	Medicaid State General Fund Patient Collection
24	Southern Nevada	EC	Need to expand home-based mental health services (1:28 staff/client ratio) to meet needs of high-risk families. Currently over 50% of families are high-risk and only 25% receive home-based services due to high came loads/waiting lists.	Fund 3 clinical FTE (1 CSW II's and 2 MHT II's) to provide this service.	<b>¢104, 4</b> 96 .	Medicald Title XX Child Care Block Grant Patient Collection State General Fund
2 <b>5</b>	Statevide	EC	Lack of Early Childhood Counseling services in rural areas. Currently no early childhood mental services are being provided to rural areas in Southern Nevada.	Add 1 clinical FTE to provide Morthern rural services.  Fund 1 Mental Health Counselor II to provide this service to Pahrump, Laughlin, Logandale/Mesquite.	\$43, 322 \$50, 817	Hedicaid Title XX Child Care Block Grant Patient Collection State General Fund

PRIORITY # REVIEW PROGRAM UNIT		ISSUES	RECOMMENDATIONS	ESTIMATED COSTS	REVENUE SOURCE	
26 109	Statevide	EC	Need to meet Federal requirements of IDEA (Individuals with Disabilities Act) to continue current level of federal funding (\$500,000) to developmental programs (and apply for \$350,000 in new funding). Federal requirements specify all eligible children must be served. Nevada's eligibility definition includes children with conditions likely to cause developmental delays as well as children with existing delays. It is not possible to serve all eligible	Narrow the definition of eligibility with specific language identifying eligible populations. Consequently receive additional 9359,000 from IDEA. Serve all eligible children under new definition and then serve other children as funds are available.  Or Maintain current definition and request additional state revenue to serve both at risk children as funds are available.	\$1,098,771 (\$796,446 subgrant to Division of Health)	State General Fund
			children using this definition			

without mignificantly more state funding.

#### YOUTH CORRECTIONS

The priority in Youth Corrections is to be able to provide appropriate treatment services to delinquent youth. Assessment of delinquent youth at intake is covered in the Family Support priorities. Residential treatment is covered in Treatment Services. Adolescent sex offenders, as a special population, have been separately described.

The priorities for purely correctional services, in order, are:

- 1. Intensive Parole Supervision
- 2. A re-entry center or "Halfway House"
  - A description and cost breakdown of each is attached.

# May 26, 1992 Presentation to Nevada Legislative Interim Committee for the Review of D.C.F.S. The Nevada Juvenile INTENSIVE AFTERCARE PROGRAM

The Nevada Youth Parole Bureau I.A.P. (Intensive Aftercare Program) is based on a national survey of I.S.U. (Intensive Supervision Units) in other states and a thorough review of the literature on Juvenile Aftercare Programs.

The model chosen for the Nevada initiative has been described in a series of reports funded by the Office of Juvenile Justice and Delinquency Prevention (O.J.J.D.P.) \* describing three years of research and survey into successful Juvenile Aftercare Programs across the U.S.A.

The major aspects of this program include: 1. improving and redefining the linkage between State Youth Institutional Programs and the community; 2. intensifying the supervision and services for high risk or high need parolees; 3. and developing a community corrections continuum of services which supplies the treatment needs of special needs parolees while providing community-based alternatives to technical parole violations designed to prevent their return to Youth Institutions.

The First Phase of this Program has been the assignment of sufficient Parole sufficient Parole Counselors to the youth currently institutionalized in such a way where Parole efforts would be integrated into Youth Center Programs. The State has a significant investment of time, money and resources in these youth and it is our intention to provide a more professional linkage between these programs and aftercare. By assigning one Youth Parole Counselor in Reno on 11/01/91 and three Youth Parole Counselors in Las Vegas on 04/01/92 to the Pre-release Caseload (Delinquents in Youth Training Centers) we have been able to: (1) Focus our efforts on increasing the assessment of community problems and resources of committed youth; (2) Develop comprehensive release treatment plans for youth prior to their parole; (3) Work closely with the D.C.F.S. new Purchase Placement Services in identifying appropriate residential treatment or other alternative placements needed; (4) Improve risk and need assessment of committed youth; (5) Develop pre-parole classes, parent groups and programs through visits to institutions which better prepare youth for the transition from an intensive 24-hour staff monitored environment to the cities and communities to which they return on parole. (5) services to parents/families of institutionalized youth. Intensifying

The Second Phase of this Program requires the provision of Intensive Parole Supervision/Service for High Risk/High Need parolees. In November, 1991, a pilot caseload was initiated in the Reno Office of Youth Parole when a two Officer team was established to work with thirty (30) parolees during their first ninety (90) \*See Attachment #1

days of parole. This Team and similar Units planned for the Las Vegas Office have the following goals: (1) Improve accountability of parole youth through increased supervision beyond traditional business hours. (Parole surveillance will be expanded into weekends and evening hours); (2) Promote youth competency development by implementing individualized programs for a parolee through referrals, brokering and contracting (Day/evening Treatment Programs, etc.); (3) Improve community protection through provision of specialized treatment programs designed to meet needs of special need parolees such as the seriously emotionally disturbed delinquent, sexual offender, arsonist, or delinquent gang member. (4) Increase supportive services to parolees thorough mentor and volunteer program (already two volunteers in Reno and one in Carson City have resulted from the Intensive Unit.)

By virtue of expanding the service hours, increasing the individual attention, and targeting of programs to parolees who need it most, these Intensive Supervision/Service Units will provide a community program more closely approximating the intensity and level offered these youth in State Training Centers. Our case management strategies incorporate individualized treatment plans focused on a balance between protection of community; accountability and competency development of parolees. These services are critical for successful transitioning into the community.

The Third Phase of this program is the expansion of community alternatives for the residential, treatment and programming needs of the special needs parolees. The proposed Youth parole Re-entry Program is designed to meet a number of these goals by: (1) Providing a" Halfway Out" and" Halfway In" Residential Program in transitioning youth from institutional care to community placement and reintegration; (2) Providing a community based alternative for Technical Parole Violators who must be brought under control; (3) Day Reporting Center functions and direct program delivery; (4) Provision of a controlled environment from which youth can apply and assess the skills, values and perceptions learned during Youth Training Center programs; (5) Target the design and implementation of individualized programs for emancipation and/or successful completion of court wardship. BUDGRT - Fiscal Year 1993-94 (July 1, 1993 through June 30, 1994)

Implementation ٥£ the Intensive Youth Parole Supervision/Service Caseloads require the following resources.

Category 01 - Personnel \$128,814 3 Trackers at Grade 30 Step 1 Employer Paid Classified Service with Police/Fire Retirement (Annual Salary \$22,480 plus Fringe Costs \$8,318) and 1 Youth Parole Counselor II, Grade 34, Step 1, Employer Paid Classified with Police/Fire Retirement (Annual salary \$26,584 plus Fringe Costs \$9,836)

Category 03 - In-State Travel \$ 9,600 Motor Pool fees for 3 new Trackers and 1 new Youth Parole Counselor (at 800 miles per month per worker annual expenses equal \$2,400 per employee)

Category 04 - Operating Expense \$ 8.046 \*One year of operation of 4 new Radios/Chargers for additional staff (Maintenance Agreement/Dispatch Service) = \$552 per year

\*Office space rental for 4 staff (140 sq.ft. per worker x \$9.10 per sq. ft. annually = \$5,096

\*Telephone Interconnect with two-way radios for three Intensive Unit employees (\$36 per radio per month) \$1,296

\*Drug Testing funds for laboratory urinalysis = \$1,102

Category 05 - Equipment

\$ 3,540

\*Radio Purchase for 4 new staff at \$700 per radio = \$2,800 \*New telephones for offices of 4 new staff (\$185 each) = \$740

Total Estimated Costs for Parole Intensive Aftercare Program (IAP)

Fiscal Year 1993-94 Approximately \$150.000

Fiscal Year 1994-95 Approximately \$156,000 (Inflation of 4%)

#### ATTACHMENT #1

#### Literature Review - References

# Intensive Community-Based Aftercare Programs:

Assessment Report 1990

John Hopkins University's Institute for Policy Studies/California State University at Sacramento's Division of Criminal Justice by David Altschuler Ph.D. and Troy Armstrong, Ph.D.

## Intensive Community-Based Aftercare Prototype:

Policies and Procedures January - 1991

Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice by David Altschuler, Ph.D. and Troy Armstrong, Ph.D.

Report: a Model of Intensive Juvenile Aftercare and Its Potential for Application to the Nevada Juvenile Parole System April - 1991 by Professor Troy Armstrong, Ph.D.

Juvenile Intensive Supervision Programs: The State of the Art February- 1991

The National Council on Crime and Delinquency - by Barry Krisbert, Ph.D., Deborah Neuenfeldt and Audrey Bakke

Unlocking Juvenile Corrections - The National Council on Crime and Delinquency Report Evaluating the Massachusetts Department of Youth Services.

Juvenile Probation: The Balanced Approach (Juvenile Justice Textbook Series from National College of Juvenile and Family Law) First Printing 1988 Dennis Maloney, Dennis Romig and Troy Armstrong, Ph.D.

"Coordinating Parole/Probation Services with Community Drug Abuse Treatments" in Perspectives Spring 1991, Carl Loukfeld

ATTACHMENT # 2 Program Time Frames and Benchmarks Pilot Intensive Services/Supervision Unit (2 Po's/30 Parolees) established in Reno Office

Institutional Caseloads Unit (3 PO's/270 Cases) established in Las Vegas Office

October 1, 1992 First Intensive Services/Supervision Unit (3 PO's/45 Parolees) established in Las Vegas Office

July 1, 1993 Bids accepted/contracts approved for privately operated Re-Entry Center for females (12 beds) in Northern Parole District.

July 1, 1993 Intensive Parole Units reorganized with additional "Tracker" staff Reno Office - I Parole Officer and 1 Tracker/30 Intensive Parolees l Parole Officer Institutional Caseload/60 Cases 1 Parole Officer Standard Caseload/30 Cases

Las Vegas Office

Unit A - 2 Parole Officers and 1 Tracker/45 Intensive Cases Unit B - 1 Parole Officer and 1 Tracker/30 Intensive Cases Unit C - 4 Parole Officers Institutional Caseload/65 Cases each Unit D - 4 Parole Officers Standard Caseload/45 Cases each

January 1, 1994 Opening of first wing of State operated Re-entry Center for 18 males parolees (school age population)

October 1, 1995 Opening of second wing of State operated Re-entry Center for 18 male parolees (17 and 18 years old)

Note: The Youth Parole Bureau acknowledges that we have omitted the rural areas for the Intensive Re-entry project. To create the opportunity for our two single person offices (Elko and Fallon) to implement the intensive philosophy we will ask the 1993 Legislature for 2 one quarter time Administrative Aides to free up these Parole Officers for out of the office case management.

May 26, 1992

Presentation to Nevada Legislative Interim Committee for the review of the Division of Child and Family Services

# The Nevada Juvenile Re-Entry Center

An integral component of the Nevada Youth Parole Bureau Intensive Aftercare Program is the Re-Entry Center concept.

For the past year as a result of the creation of the new Division, placement alternatives for parolees were greatly In the process we have identified a significant number of correctional youth who require greater structure and more specialized programming than is available thorough Purchased Placement Services. Delinquent adolescents in traditional placements are destructive, have a high failure rate, often influence other youth negatively, and are a source of community

The Division of Child & Family Services and more specifically, Youth Corrections, is currently responding to a Federal request for proposals in the subject area of intensive community-based aftercare for "High Risk" juvenile parolees. If successful this will result in federally funded technical assistance in the Intensive Aftercare model for ten representatives of Nevada Juvenile Justice programs.

The research upon which this model is based clearly indicates that an Intensive Aftercare Program requires a community-based reentry center to be successful. The focus is on making a smoother transition from the 24 hour structure of youth institutions to the more open community. Conversely, the Re-entry Centers process is dependent upon Parole Intensive Case Management.

Previously proposed as a Youth Parole Halfway House (1991 Legislature) this program emphasizes the great need for transitional housing and programming for parolees released from the Nevada Youth Training Center (Blko) and the Caliente Youth Center.

The Re-entry Center will host programs for parolees not in residence as well as those living at the Center.

Major program areas will include:

- Competency Development Programs: I.
  - A. Independent Living Skills
  - Employment Readiness C.
  - Tutorial/GED/Educational Remediation and Support
  - D. Aggression Replacement Training (A.R.T.)
  - E. Decision Making Skills
  - F. Parent Education & Groups

- II. Wellness and Lifestyle Programs
  - A. Substance Abuse Counseling
  - B. Aids Education
  - C. Reproductive Responsibility.
  - D. Recreation and Positive Leisure
  - E. Lifetime Fitness

# III. Parole Accountability

- A. Work Crew
- B. Day/Evening Programming
- C. Day Reporting Center (check in)

# IV. Specialized Placements

- A. Highly structure programs for special need youth such as arsonists, sexual offenders, and severely emotionally disturbed delinquent.
- B. Return to Custody ("halfway in")
- C. High Risk-close surveillance
- D. Awaiting placements
- E. Testing & evaluation

### Budget FY 93-94

# Category 01 - Personnel

This plan details the procedures and expenses involved in developing a Youth Parole Re-entry Center for eighteen delinquent males during Fiscal Year 1993-94. Staff hiring and training would start October 1, 1993, and the facility would open for placements on January 1, 1994.

A staggered hiring pattern will be used in appointing staff to allow for preparation and training prior to actual opening of facility. The different start dates take into consideration the time required in selecting, preparing and contracting for physical plant and for development of detailed program description, operational policies, and procedures for staff.

# Category 01 - Personnel

New Positions (Please See Attachment #1)

Professional Staff 8.0 \$185,476
Administrative Aide .5 5,582

(Includes Personnel Costs
SIIs, retirement, personnel
assessment, Medicare,
group insurance, payroll
assessment, retirement group
insurance, unemployment.)

#### Page 2

Overtime Pay	\$ 5,000
Holiday Pay	, ,,,,,,
Shift Differential	1.800
	1,500
Total Salary - Payroll	<b>**</b> * * * * * * * * * * * * * * * * * *
	\$199,358
Category 02 - Out-of-State Travel	•
And of peace Itavel	\$ 4,000
<u> Category 03 - In-State Travel</u>	<b>.</b>
$\cdot$	\$ 8,000
Category 04 - Operating	
	PY 1993-94
Operating Supplies	<b>.</b>
Printing/Copying	\$ 500
Insurance Expense	500
Contracted Exponse	2,115
Contractual Services	4,200
Other Contract Services	1,770
Other Building Rent	49,831
Buildings & Grounds Maintenance	500
Clothing/Uniforms	
Stipends/Client Services	3,500
Food	3,736
Improvement to Structure	16,340
B&G's Special Services	350
Postage	3,250
Telephone	500
Dues/Registration	480
Instruction	210
Instructional Supplies	1,000
Subscriptions	120
Client Services	500
Drug Testing	
	3,508
Total Operating Expenses	<b>A A A A A A B B B B B B B B B B</b>
	\$ 92,910
Category 05 - Equipment	<b>.</b>
_	\$ 43,939
Category 15 - Training	<b>A </b>
	\$ 3,500
Category 35 - Utilities	
	\$ 10,800
TOTAL RE-ENTRY CENTER	
VERTER	\$362,507

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## ATTACHMENT #1

Nevada Youth Parole Re-entry Center Personnel Budget

Fiscal Year 1993-94 First Year of Next Bi-ennium

January, 1994 - Open Parole Re-entry Center (for minimum 12 to maximum 18) for males located in Clark County, Nevada, but available for statewide placements.

Summary of Personnel Costs: (Salary Provided for Base Year Fy 92) Employer-Paid Regular Retirement

Personnel Title (And other Agency equivalent)

• -	Class Code	Pay A Level	ppointment Date
1 - Re-entry Center Supervisor	12.619	Grade 36 \$41,064	07/01/93
1 - Senior Re-entry Center Counselor (Senior Group Supervisor/NYTC,CYC)	12.535	Grade 32 \$25,982	10/01/93
1 - Program Coordinator	New	Grade 32 \$25,982	10/01/93
5 - Re-Entry Center Counselors (Group Supervisors, NYTC,CYC)	12.538	Grade 30 \$92,448	12/01/93
Full Year Costs: Regular Employee Paid Retirement Plan		\$185,47	

(Grade 30 = \$23,269 Per Annum x 5 = \$116,345

(Grade 32 = \$25,287 Per Annum x 2 = \$ 50,574 (Grade 36 = \$29,974 Per Annum x 1 = \$ 29,974

Salary Total = \$196,893 plus Benefits at 37% = \$72,850

Personnel Total \$269,743

#### **ADMINISTRATION**

1. Consolidate budget accounts so they better reflect the functional organization of the Division. The restructured budget accounts would be as follows:

Central Office Administration - New account number Family Support - BA 3145
Licensing - BA 3149
Early Childhood Services (Statewide) - BA 3276
Purchased Placement Services - BA 3229
So. Nevada Child & Adolescent Services - BA 3646
No. Nevada Child & Adolescent Services - BA 3281
Nevada Youth Training Center - BA 3259
Caliente Youth Center - BA 3179
Youth Parole - BA 3263

There is no additional cost associated with this change.

Attached is a list by budget account of the category changes required.

2. Add 5 Accounting positions

The comparison previously provided the Committee showed that the Rehabilitation Division with 60% of the budget of DCFS has the same number of accounting positions and MH/MR with a 50% larger budget has 100% more

The real gap we experience is the absence of middle management accounting staff. The Ernst & Young Occupational Study would classify our lead financial position at grade 41 and the next highest we have is grade 31.

A breakdown of these positions, their duties and costs is attached.

3. Add 3 Personnel positions

At present there are only 3 full-time personnel positions for the 600 person Division. Family Support staff in Las Vegas and Reno have to call Carson City. The lead personnel staff for the Division has to handle all personnel matters for BA 3145 as well as anything beyond routine for all other budget accounts.

A breakdown of these positions, their duties and costs is attached

4. Improve Management Information System

See attached excerpt from Division's Information System Plan

5. Rural Mental Health Staff Assigned to DCFS

The absence of clinical mental health services for children and families, and the impact of that, has been well documented for the Committee. Solutions have not been much discussed and it is too early for the Division to make a firm recommendation. However, three options can be considered.

- A. Add clinical staff to existing rural clinics budget for MH/MR.
- B. Add clinical staff to existing rural clinics and give the DHR Director authority to assign them to DCFS in the same manner SB 611 did for other DCFS services.
- C. Add clinical staff to DCFS for the rural areas.

The Division would appreciate a discussion of these possibilities at the work session.

## CENTRAL OFFICE ADMINISTRATION

- All Training:
   (BA 3145)
   (BA 3229)
   (BA 3176) including Sexual Offender Training
   (BA 3263)
   (BA 3259)
   (BA 3179)
   (BA 3149)
- All unclassified Admin. staff
- All Personnel: (BA 3281) (BA 3646) (BA 3145)
- All Fiscal staff
- Other Central Office staff

## FAMILY SUPPORT SERVICES (BA 3145)

- 1. All Family Support staff
  - (BA 3145) Child Welfare
  - (BA 3145) Centralized Intake (CRB)

#### Intensive Family Services

- (BA 3646) Family Preservation
- (BA 3646) Crisis Intervention

# Social Services Specialists

#### Adoptions

- Wanda Scott
- Ann Coleman
- Karen Faehling

#### Foster Care

- Mike Capello

#### CPS

- Connie Martin
- 2. (BA 3145) Sexual Offender Evaluations
- 3. (BA 3229) Subsidized Adoptions
- 4. (BA 3229) Adoption Recruitment
- 5. (BA 3229) Non-XIX medical
- 6. (BA 3229) Foster Home Insurance
- 7. (BA 3229) Client Transportation (Percentage for all CW staff)
- 8. (BA 3229) Single Parent Program
- 9. (BA 3229) Emergency Shelter Care
- 10. (BA 3229) Day Care
- 11. (BA 3229) Homemakers
- 12. (BA 3145) Independent Living (Salaries)
  - (BA 3229) Independent Living (Operating)
- 13. (BA 3229) Pre- and Post-Adoptions/Adoption Fees
- 14. (BA 3229) Respite Care
- 15. (BA 3229) Drug Testing
- 16. (BA 3271) Child Abuse/Neglect Grant

- 17. (BA 3229) Elks Shelter Care
- 18. (BA 3145) Contractual Services CRB Services
- 19. (BA 3281) Family Preservation Expansion
- 20. (BA 3228 Welfare) Positions: #129, #127, #188, #807 -

#### TRANSFER OUT

- Central Office Administrative Staff
   Administrator
   Both Deputy Administrators move to Central Office Admin. Budget
- 2. Training (IV-E \$100,000) move to Central Office Admin. Budget
- 3. (BA 3229) Background checks (move to BA 3149)
- 4. (BA 3145) Dependent Care (move to BA 3149)
- 5. (BA 3229) Client Transportation
   Percentage for Jerry Clark only (BA 3229)
- 6. (BA 3271) Medically Fragile only (move to BA 3276)

#### REVENUES

All Adoption Fees
Percentage Title IV-E Admin. Cost
Percentage Title IV-B
Percentage Title XX
Gifts and Donations - Elks
Independent Living Grant
Baby Doe
Child Abuse/Neglect
Balance Forward - Adoption Fees
Medicaid

# (BA 3149)

(BA 3149 - BA 3145) - All Foster Home and Day Care Licensing

(BA 3229) - Background checks

(BA 3145) - Dependent Care

# ECS SERVICES (BA 3276)

```
(BA 3646) - EC Mental Health (So.)
```

(BA 3279) - EC 1st Step (BA 3281) - EC Mental Health (No.)

(BA 3271) - Medically Fragile

### PURCHASE PLACEMENT SERVICES (PPS) (BA 3229)

```
(BA 3646) (18) - Mental Health Tran. Housing (So.)
(BA 3281) (11) - Mental Health Tran. Housing (No.)
(BA 3281) (12) - Mental Health SED beds (No.)
(BA 3147) (12) - Youth Parole Alt. Placement
(BA 3147) (14) - Tennessee Money
(BA 3147) (10) - Good Shepard
(BA 3172) (20) - NNCH Group Community Group Care
(BA 3228) - 1 FTE + OP
(BA 3145) - 5 FTE + OP + percentage client transportation
(BA 3646) - 5 FTE + OP
(BA 3281) - 1 FTE + OP
(BA 3229) (11) - Foster Care R&T
```

## TRANSFER OUT TO:

```
(BA 3145) - Emergency Shelter Care
(BA 3145) - Respite Care
(BA 3229) - Independent Living OP
(BA 3145) - Drug Testing
(BA 3145) - Day Care
(BA 3145) - Homemakers
(30) - Training (New No. Central Office)
```

#### ACCOUNTING STAFF REQUEST:

- (2) Administrative Services Officer I's (Grade 37)
- (1) Accountant Technician III (Grade 32)
- (1) Accountant Technician I (Grade 30)
- (1) Account Clerk I (Grade 21)

#### ADMINISTRATIVE SERVICE OFFICER I:

One (1) FTE responsible for managing the program functions of accounting and budgeting and one (1) FTE responsible for managing the administrative functions of accounting and budgeting.

#### ACCOUNTANT TECHNICIAN III:

One (1) FTE responsible for the processing, reconciliation and monitoring of specific accounting and fiscal functions and/or activities.

#### ACCOUNTANT TECHNICIAN I:

One (1) FTE responsible for preparing vouchers, establishing and maintaining filing systems.

#### ACCOUNT CLERK I:

One (1) FTE responsible for filing, copying and other miscellaneous duties required which would support all accounting staff functions.

Anticipated Expenditures:	Grd./Stp.	Salary	Fringe	Grp.Ins. TOTA	AL	FY94	FY95
Administrative Svcs. Officer Administrative Svcs. Officer Accountant Technician III Accountant Technician I Account Clerk I	I 37-01 I 37-01 32-01 30-01 21-01	34,177 34,177 27,622 25,418 17,801	11,272 11,272 9,110 8,383 5,871	2,445 2,445 2,445 2,445 2,445	47,894 47,894 39,176 36,246 26,117	47,894 47,894 39,176 36,246 26,117	50,288 50,288 41,135 38,058 27,423
Payroll Total:					197,327	197,327	207,193

### PERSONNEL STAFF REQUEST:

- (1) Personnel Analyst (Grade 31)
- (1) Personnel Technician III (Grade 27)
- (1) Management Assistant II (Grade 25)

### PERSONNEL ANALYST:

One (1) FTE responsible for managing personnel and payroll functions in the Las Vegas family support office.

#### PERSONNEL TECHNICIAN III:

One (1) FTE responsible for technical support functions and/or activities under the supervision of the Personnel Officer in the Administrative Office.

### MANAGEMENT ASSISTANT II:

One (1) FTE responsible for clerical support of personnel functions and/or activities in the Administrative Office.

Anticipated Expenditures:	Grd./Stp.	Salary	Fringe	Gro.Ins. ₹	OTAL	FY94	FY95
Personnel Analyst Personnel Technician III Management Assistant II	31-01 27-01 25-01	26,499 22,484 20,777	8,739 7,415 6,852	2,445 2,445 2,445	37,683 32,344 30,075	37,683 32,344 30,075	39.568 33,961 31,578
Payroll Total:					100,102	100,102	105,107

An examination of existing information processing makes it apparent that a new system is necessary to improve the flow of data and processing of information within the Division, and between the Division and other agencies. It is equally apparent that: 1) functional reorganization of the Division must be completed before development of a new information system is feasible and 2) the new Division lacks the resources, i.e. staff/expertise/funds, to develop a plan with a "good fit," much less a "best fit."

Division strategy is therefore to address, in the '93 ISP, the most critical IS needs identified to date, and to obtain the resources to conduct a full system study to develop a comprehensive plan for consideration by the 1995 Legislative Session. Additional projects indicated in this plan were developed considering their potential for contributing to future plans.

## **Assumptions**

- 1. Use of the mainframe in future plans is highly probable. Three factors support this assumption: 1) the volume of clients served and data to be processed, 2) the need for DCFS and the Welfare Division to access similar information, and the Welfare Division's current plans to continue use of the mainframe, and 3) the increasing emphasis on interagency coordination which is best supported by compatible information systems.
- II. The existing mainframe child welfare (CWAF) system data can be electronically transferred to a future mainframe program.
- III. Administrative Support Functions will be in four locations: Central Office in Carson City, and three Regional Offices in Las Vegas, Reno, and Rural Nevada. Functions will include accounting, personnel, eligibility, etc.

## INDIVIDUAL UNIT IS PROBLEMS -

## Administrative Support Services:

Accounting, personnel, training, and other administrative services are fragmented. Policies, procedures and data collection differed between all "previous" Divisions. Some services in some offices are completely manual. This, plus the fact administrative services are geographically scattered throughout the state, makes communication and timely, accurate data processing extremely difficult and time-consuming.

Accounting in particular is a nightmare with limited staff spending exorbitant amounts of time on manual procedures which could be easily automated, given adequate resources. Federal and other reports are frequently late and require amendments. Payments are delayed and too often incorrect. Staff spends hours daily on the phone and FAX. Travel costs for administrative staff meetings and staff training to enhance communication are very high. Total gross or net costs per child and per provider are not available.

There are currently no DCFS positions designated for data processing staff. At least three IS positions will be requested of the '93 Legislature.

### Youth Correctional Services:

An almost entirely manual system resulting in excessive staff time required for limited information output. Youth served cannot be tracked through the system, so long-term effectiveness of services is unknown. Communication and information-sharing between youth corrections offices/facilities, and between youth corrections and other Division units is time-consuming and results in duplications, inconsistencies and delay of services.

## Family Support Services:

Federally proposed Adoption and Foster Care Data Reporting requirements cannot be met by current system. The current patchwork of computerized and manual data systems leave gaps in info, cause duplications, repetitions and inconsistencies and decrease accuracy. For example, the same information on one child may be separately entered (and inconsistent) on the CWAF, Special Assessment, AIMS, Family Preservation, and Project Track data systems – all within the same Division. Reports generated from the CWAF do not meet users' needs. Historical info on services delivered and outcomes is virtually unavailable. Non-foster/non-adoptive home evaluation services are not tracked at all. The input process for computerized data is too labor intensive.

#### Treatment Services:

At least five different systems are operating without consistency by service or by geographic area. Some reporting duplication between treatment services and other Divisional services. Southern Nevada Child and Adolescent Services is trying to maintain two systems until AIMS system is fully functional, and lack staff to adequately maintain even one of the systems. No interface exists between AIMS and CWAF.

#### Licensing Unit:

Foster home licensing shares a PC program (CWIS) with adoptive home studies (service provided by Family Support Unit). Child care licensing is on a separate system. Info on foster home caregivers of each child must be provided to meet federal data reporting requirements. There is no connection between CWAF with child info, and CWIS with foster and adoptive parent info. This limits accounting capabilities as well as ability to evaluate outcomes of services provided to, or by, each foster home. Foster children may be inadvertently placed in unlicensed home. Staff lacks direct input or output capability on either foster or adoption data.

#### Statewide Coordination of Services:

Data on clients and services provided by external agencies is not being uniformly collected. Child abuse/neglect service agencies all report to a common system which does not meet all the needs and must sometimes be duplicated by more thorough reporting systems in the other agencies. Statewide gaps in services and availability of services are impossible to document. Agencies are often unaware of concurrent or past services provided by other agencies.

## RELATED OBJECTIVES

- 1. Continue to adapt and expand CWAF and AIMS systems to include data collection, payments, and information output relevant to each unit's needs, and to meet federal adoption and foster care data collection requirements. Increase direct CWAF/AIMS data input/output capability.
- 2. Obtain resources to conduct a thorough, in-depth IS study to include alternatives to meet internal IS needs and the need to develop and improve linkages with other agencies, including county social services, juvenile courts, district attorneys and probation; Welfare Division assistance, Medicaid and child support; Department of Education special education services; State Controller, Treasurer and Personnel Offices; and private service organizations.
- 3. Improve interoffice communication and info sharing/processing capabilities by linking offices and services statewide through common automated programs and telecommunications.
- 4. Develop and implement PC programs compatible with other Division system programs to meet specialized needs.

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# SECTION II INFORMATION SYSTEM COST SUMMARY DIVISION OF CHILD AND FAMILY SERVICES MAY 1992

				New I/S	Projec	t Cost	On-G	oing I/S	Cost	1	
	2	lype	Fund	FY94	FY95	FY96	FY94	FY95		Total	Status
1.	Adoption and Foster Care Requirements	E	В	-0-	150	18	*	*	*	168	N
2.	System Development Study	N	В	75	-0-	-0-	-0-	-0-	-0-		U
3.	IS Support Staff	N	В	10	-0-	-0-	160	166	179	515	N
4.	Mainframe Input/ Inquiry Enhancement	E	В	78	-0-	15	*	*	*	93	N
5.	Divisionwide Networking (Cost if #4 is Funded)	E	В	42 (4)	-0- (0)	70 (55)	*	*	*	112 (59	N )
6.	Office Automation (Cost if #4 and #5 Fun	E ded)	В	72 (57)	2 (2)	15 (1)	*	*	*	89 (60	N )
7.	Child Abuse/Neglect System Enhancement	E	В	-0-	44	-0-	*	*	*	44	N
tot pro	going Costs-Estimated als for current and new jects. Includes DDP on its, supplies, equipment ntenance.	goin	B g	-0-	-0-	-0-	62	72	81	215	N/A
SUE	TOTALS (IF ALL PROJECTS	FUNI	DED	224	196	89	222	238	260		•

TOTAL COSTS: FY 94 - \$446,000; FY 95 - \$434,000; FY 96 - \$349,000

#### PROJECT DESCRIPTION

PROJECT NUMBER: 40-9-93-00003

PROJECT TITLE: IS STAFF SUPPORT

DEPARTMENT: HUMAN RESOURCES DIVISION: CHILD AND FAMILY SERVICES

#### PURPOSE:

There are currently no IS staff positions within the Division. Dedicated staff positions are needed to:

1) Set up, maintain and update systems;

- 2) Order, inventory, install and move hardware and software;
- 3) Develop and monitor IS policies;
- 4) Provide initial and ongoing IS training to staff;
- 5) Trouble-shoot microcomputer and network problems;
- 6) Work with DCFS and DDP staff on system evaluation changes; and
- 7) Development and ongoing update of ISP.

#### PROJECT DESCRIPTION:

One (1) Management Analyst II position and two (2) Micro-computer Specialist III positions will be added to DCFS staff. The management analyst and one micro-computer specialist will be located in northern Nevada and one micro-computer specialist will be located in southern Nevada.

#### JUSTIFICATION:

These positions are needed to perform the ongoing activities indicated above, which are basic to the maintenance and development of an information system. Without this support, equipment, system software and data may be damaged, misused, underutilized, unnecessarily purchased, etc. which would considerably reduce the amount of cost-effectiveness realized by the system. A management analyst is particularly critical to completion of Project 1 - AFCAR Reprogramming, Project 2 - System Development Study, and Project 7 - CANS Reprogramming. Initial and ongoing training is needed for all staff and is more expensive to purchase than to provide inhouse.

#### MILESTONES:

October 1993 - Hire all positions.

FY94 - Completion of ISP for FY1996-2000.

FY95 - Development, programming, testing and implementation for CANS project. Development, programming and testing for AFCAR project.

FY96 - Develop and present ongoing computer training program.

PROJECT NUMBER: 40-9-93-00003 TITLE: IS Support Staff.

DESCRIPTION: Provides IS staff positions within the Division to meet system needs.

PRIORITY: Functionally Essential FUNDS: TYPE: New 90% 3145 State YEARS TO COMPLETION: Ongoing 10% 3145 Fed

	FY 94	FY 95	FY 96
HARDWARE			
Micro	3/6,000		
Printers	1/ 600		
SOFTWARE			
Word Processing	1/ 160		
Spreadsheet	2/ 600		
Data Base	2/ 240		
Utilities	1/ 120		
TELECOMMUNICATIONS			
HARDWARE			
Modem Dialup	2/ 650		
Emulation Board	1/ 400		
SOFTWARE	<b>.</b>		
PC Anywhere	2/ 140		
Emulation LINE COST	1/ 350		
<del></del> -			
Hookup	3/ 340		
OTHER			
Salaries	117,197	123,056	132,900
Benefits	37,503	39,378	42,528
Furn./equipment	2,431	•	
Travel/per diem	2,500	2,500	2,500
Training	500	1,000	1,000
TOTAL	169,731	165,934	178,928
COST ANALYSIS			
One-time Cost	9,600	-0-	-0-
Non-I/S Cost	160,131	165,934	178,928
Program Income	n/a	n/a	170,920 n/a
Net Program Costs	169,731	165,934	178,928
Cost Savings*	,		2.0,020
Cost Avoidances*			

<sup>\*</sup>See Project Description - Justification. No dollar figure available.

# SEX OFFENDER TREATMENT CONTINUUM

#### Adolescent Sexual Offender Continuum of Care Projected Costs for 1994 1995

January 1 - Incomber 31, 1991: 210 youths referred for sexual offenses to probationary services, 70% trans County, 14% Washin County, and low from rural areas.

Projected census for State of Nevada youths within adolescent age range 245, +16.5%, for 1994-95.

	PROGRAM COMPONICNI		ANNUAL IZE II LUD LO		
		Clark (70%)	Hashoe (14%)	Hurai (16%) <sub>j</sub>	fotal
A.	Sex Utjender <u>Assessments</u> \$380 x 245 offenders	150, 4 <del>00</del>	10,000	i I , ta '6	\$ / c' <sub>1</sub> 666
ь.	Outpatient Treatment (S <u>D in Home)</u> (68.5%), 168 SUs. 52 Group Sessions @ \$32, 27 Individual Sessions <b>@ 19</b> 6	\$49 <b>0,</b> 98 <b>0</b>	98, 196	110,024	\$/01,400
c.	Therapeutic Foster Care with Outpatient Treatment (9%), 22 Beds. Projected cost 440 daily, \$14,600 annual expense. 52 Group bessions 6 \$32.	125 <b>0,</b> 465	5 <b>6, 69.</b> 3	57,249	\$.557 <b>,</b> BØ7
υ.	Residential Group Homes (Level 3) with sex offender specific treatment (4.5%), It beds. Projected cost \$90 daily rate per 50.	1252, 945	56, 589	57,816	\$46 L , 466
Ŀ.	Staff-secure Residential <u>Facility</u> with 50 Specific Treatment, (7#). 16 beds, (10 SAIP, 6 Desert Hills)	No added cost•	64,988**	N/II	\$114,908

#### APPENDIX C

Suggested Legislation

SUMMARY--Provides for establishment of fees for child and family services.

(BDR 18-408)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to public finance; providing for the establishment and imposition of fees for services of the division of child and family services of the department of human resources; and providing other matters properly relating thereto.

### THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:
- 1. The division shall establish and impose a schedule of fees, in accordance with subsection 2, for services rendered through each of its programs, except that:
- (a) The division shall not charge a fee for any services related to the adoption of a child with special needs.
- (b) The provisions of NRS 423.160 and 423.210 supersede the provisions of this section.

- 2. Except as otherwise provided in subsection 3:
- (a) The highest fee established for a service must approximate the cost of providing the service.
- (b) A scale must be established proportionate to income so that families whose income is low can afford services preventive of greater expense to the family or the public afterward.
- (c) The schedule must be submitted to the director for approval before enforcement.
- (d) The fees collected pursuant to the schedule must be deposited in the state treasury to the credit of the state general fund.

#### 3. With regard to any:

- (a) Fees charged by the division pursuant to NRS 422.283, the provisions of subsection 2 of that section supersede the provisions of paragraph (a) of subsection 2 of this section.
- (b) Schedule of fees established by the division pursuant to NRS 433.404, the provisions of that section supersede any inconsistent provision of subsection 2 of this section.
- 4. With regard to any services provided by the division pursuant to chapter 62, 432 or 432B of NRS, the provisions of this section supersede the provisions of subsections 2 and 5 of NRS 432.085.
  - Sec. 2. NRS 232.410 is hereby amended to read as follows:
- 232.410 As used in NRS 232.400 to 232.465, inclusive, and section 1 of this act, unless the context requires otherwise:

- 1. "Administrator" means the administrator of the division.
- 2. "Division" means the division of child and family services of the department.

SUMMARY--Requires division of child and family services of department of human resources to adopt certain regulations in accordance with Nevada Administrative Procedure Act. (BDR 18-400)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the division of child and family services of the department of human resources; requiring the division to adopt certain regulations in accordance with the Nevada Administrative Procedure Act if the director of the department assigns to the division certain powers and duties of the welfare division of the department; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 232.400 is hereby amended to read as follows:

232.400 1. The purposes of the division of child and family services in the department are to:

- (a) Provide a comprehensive state system for the coordination and provision of services to children and families who need assistance relating to juvenile justice and the care, welfare and mental health of children.
  - (b) Aid in the preservation, rehabilitation and reunification of families.

- (c) Ensure that children are placed in the least restrictive environment available which is appropriate to their needs.
- (d) Provide services for youth who are in need of residential care or in need of treatment or both.
  - 2. In accomplishing its purposes, the division shall:
  - (a) Establish and operate a central, comprehensive state system for:
- (1) The diagnosis and assessment of the needs of particular children and families, including those in need of multiple services;
  - (2) The referral of children and families to appropriate services; and
- (3) The management and monitoring of cases in which children and families are referred to multiple services.
  - (b) Provide services for the support of families to:
    - (1) Maintain the integrity of families;
- (2) Ensure that children are not unnecessarily removed from their homes; and
- (3) Ensure that families are reunited as soon as practicable after the removal of children from their homes.
- (c) Ensure that a sufficient range of services is available to provide care and treatment to children and families in the least restrictive setting appropriate to their needs.
- (d) Work closely with other governmental agencies and with public and private agencies providing the same or similar services.
- 3. The division shall develop standards for carrying out programs aimed toward the prevention of delinquent acts of children and programs for the

treatment of those brought to its attention. It shall assist in the development of programs for the predelinquent children whose behavior tends to lead them into contact with law enforcement agencies.

- 4. The division shall develop and assist in carrying out programs for the diversion of juveniles out of the judicial system and programs for the aftercare of juveniles who have been released from state institutions, who have been brought before the juvenile court or family court or have otherwise come into contact with law enforcement agencies. The administrator of the division shall observe and evaluate the success of those programs.
- 5. If any of the powers and duties of the welfare division of the department relating to the adoption of children, or the placement of children for adoption or permanent free care, are assigned to the division by the director pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 232.463, the division shall adopt such regulations as are necessary to carry out those powers and duties in accordance with the provisions of chapter 233B of NRS.
  - Sec. 2. NRS 232.463 is hereby amended to read as follows:
- 232.463 1. The director may assign to the division of child and family services any of the powers and duties of the:
  - (a) Welfare division of the department relating to:
- (1) The adoption of children, or the placement of children for adoption or permanent free care, pursuant to chapter 127 of NRS;
- (2) The provision of, or the placement of children for, protective services, foster care or other services pursuant to chapter 62, 125A, 128, 424 or 432B of NRS; and

- (3) The provision of services for the welfare of children pursuant to chapter 422 or 432 of NRS; and
- (b) Mental hygiene and mental retardation division of the department relating to the provision of services for the mental health of children pursuant to chapter 210, 433, 433A or 436 of NRS,

if such an assignment of powers and duties is necessary for the division of child and family services to accomplish the purposes and carry out the duties set forth in NRS 232.400.

- 2. Any assignment of powers and duties pursuant to this section must be made by written order of the director, stating with particularity the specific powers and duties assigned and the statutory provisions applicable to those powers and duties.
- 3. [To] Except as otherwise provided in this subsection, to the extent that any of the powers and duties referred to in subsection 1 are assigned to the division of child and family services, any reference to:
- (a) The welfare division of the department and the state welfare administrator; or
- (b) The mental hygiene and mental retardation division of the department and the administrator of that division,

in any provision of NRS applicable to the assigned powers and duties shall be deemed to refer to the division of child and family services and the administrator of that division. The provisions of this subsection do not apply to the reference to the welfare division contained in NRS 233B.039.

- 4. Any action taken by a division of the department, including the issuance of a license, before its authority to take such an action is assigned to the division of child and family services pursuant to this section remains in effect as if taken by the division of child and family services.
- 5. Any regulation adopted by a division of the department before its authority to adopt such a regulation is assigned to the division of child and family services pursuant to this section remains in effect as if adopted by the division of child and family services.

SUMMARY--Allows licensed child-placing agency to investigate home where child is to be placed for adoption. (BDR 11-402)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to adoption; authorizing licensed child-placing agencies to perform the investigations required before a child is placed in a home in preparation for adoption; and providing other matters properly relating thereto.

### THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. The welfare division of the department of human resources or a licensed child-placing agency shall, within 60 days after receipt of confirmation of the natural parents' intent to place the child for adoption and a completed application for adoption from the prospective adoptive parents, complete an investigation of the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive

parents and may be a substitute for the investigation required to be conducted by the welfare division on behalf of the court when a petition for adoption is pending, if the petition for adoption is filed within 6 months after the completion of the investigation required by this subsection. If a licensed child-placing agency undertakes the investigation, it shall provide progress reports to the welfare division in such a format and at such times as the welfare division requires to ensure that the investigation will be completed within the 60-day period. If, at any time, the welfare division determines that it is unlikely that the investigation will be completed in a timely manner, the welfare division shall take over the investigation and complete it within the 60-day period or as soon thereafter as practicable.

- 2. If the placement is to be made in a home outside of this state, the welfare division or licensed child-placing agency must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption, unless the child and one of the prospective adoptive parents are related within the third degree of consanguinity.
- Sec. 3. 1. Pending completion of the required investigation, the child must be:
  - (a) Retained by the natural parent; or
- (b) Placed by the natural parent with the welfare division of the department of human resources or licensed child-placing agency and placed by it in a foster home licensed by the welfare division.

until a determination is made concerning the suitability of the prospective adoptive parents.

- 2. Upon completion of the investigation, the welfare division or licensed child-placing agency shall forthwith inform the natural parent, the person recommending the placement and the prospective adoptive parents of the decision to approve or deny the placement. If the prospective adoptive home is found:
- (a) Suitable, the natural parent may execute a consent to a specific adoption pursuant to NRS 127.053, if not previously executed, and then the child may be placed in the home of the prospective adoptive parents for the purposes of adoption.
- (b) Unsuitable or detrimental to the interest of the child, the welfare division or licensed child-placing agency shall file an application in the district court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written consent to the specific adoption and order the return of the child to the care and control of the parent who executed the consent, but if the parental rights of the parent have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parent does not wish to accept the child, then the court may order the placement of the child with the welfare division or a licensed child-placing agency for adoption.
- Sec. 4. 1. Whenever the welfare division of the department of human resources believes that anyone has violated or is about to violate any of the provisions of this chapter, in addition to any other penalty or remedy provided:

- (a) The welfare division may petition the appropriate district court for an order to restrain and enjoin the violation or threatened violation of any of the provisions of this chapter, or to compel compliance with the provisions of this chapter; and
- (b) The court shall, if a child has been or was about to be placed in a prospective adoptive home in violation of the provisions of this chapter:
- (1) Prohibit the placement if the child was about to be so placed, or order the removal of the child if the child was so placed within 6 months before the filing of the welfare division's petition, and proceed pursuant to paragraph (b) of subsection 2 of section 3 of this act; or
- (2) Proceed pursuant to paragraph (b) of subsection 2 of section 3 of this act in all other cases if the court determines that it is in the best interest of the child that the child should be removed.
- 2. Whenever the welfare division believes that a person has received for the purposes of adoption or permanent free care a child not related by blood, and the required written notice has not been given, if the welfare division does not proceed pursuant to subsection 1, it shall make an investigation. Upon completion of the investigation, if the home is found suitable for the child, the prospective adoptive parents must be allowed 6 months from the date of completion of the investigation to file a petition for adoption. If a petition for adoption is not filed within that time a license as a foster home must thereafter be issued by the welfare division if the home meets established standards. If, in the opinion of the welfare division, the placement is detrimental to the interest of the child, the welfare division shall file an application with the district court

for an order for the removal of the child from the home. If the court determines that the child should be removed, the court shall proceed pursuant to paragraph (b) of subsection 2 of section 3 of this act.

- Sec. 5. NRS 127.045 is hereby amended to read as follows:
- 127.045 1. Except as otherwise provided in subsection 2, until a valid release for or consent to adoption is executed by the mother as provided by NRS 127.070 and the investigation required by [NRS 127.280] section 2 of this act is completed, no person may:
  - (a) Petition any court for the appointment of a guardian; or
- (b) Be appointed the temporary guardian, of the person of the child to be adopted.
- 2. The provisions of subsection 1 do not apply to any person who is related or whose spouse is related to the child within the third degree of consanguinity.
  - Sec. 6. NRS 127.080 is hereby amended to read as follows:
- 127.080 1. Except as otherwise provided in NRS 127.070 and [127.280,] sections 3 and 4 of this act, a written consent to a specific adoption pursuant to this chapter cannot be revoked or nullified.
- 2. Except as *otherwise* provided in NRS 127.070, a relinquishment for adoption pursuant to this chapter cannot be revoked or nullified.
- 3. A minor parent may execute a relinquishment for adoption and cannot revoke it upon coming of age.
  - Sec. 7. NRS 127.220 is hereby amended to read as follows:

- 127.220 As used in NRS 127.230 to 127.310, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires:
- 1. "Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.
- 2. "Child-placing agency" means the welfare division of the department of human resources or a nonprofit corporation organized pursuant to chapter 82 of NRS, and licensed by the welfare division to place children for adoption or permanent free care.
  - 3. "Person" includes a hospital.
- 4. "Recommend the placement of a child" means to suggest to a licensed child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.
  - Sec. 8. NRS 127.240 is hereby amended to read as follows:
- 127.240 1. No person may place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption or permanent free care without securing and having in full force a license to operate a child-placing agency issued by the welfare division of the department of human resources. This subsection applies to agents, servants, physicians and attorneys of parents or guardians, as well as to other persons.
- 2. This section does not prohibit a parent or guardian from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption or permanent free care if the placement is

made pursuant to the provisions [of subsections 1 to 5, inclusive,] of NRS 127.280 [.] and sections 2 and 3 of this act.

- 3. This section does not prohibit the welfare division of the department of human resources from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption or permanent free care.
- 4. This section does not prohibit a person, including a person acting in his professional capacity, from sharing information regarding an adoption if no money or other valuable consideration is paid:
  - (a) For such information; or
- (b) For any other service related to the adoption that is performed after sharing information.
  - Sec. 9. NRS 127.280 is hereby amended to read as follows:
- 127.280 1. A child may not be placed in the home of prospective adoptive parents for the 30-day residence in that home which is required before the filing of a petition for adoption, except where a child and one of the prospective adoptive parents are related within the third degree of consanguinity, unless:
- (a) The welfare division of the department of human resources or a licensed child-placing agency first receives written notice of the proposed placement from:
  - (1) The prospective adoptive parents of the child;
  - (2) The person recommending the placement; or
  - (3) A natural parent;

- (b) The investigation required by the provisions of [this] section 2 of this act has been completed; and
- (c) In the case of a specific adoption, the natural parent placing the child for adoption has had an opportunity to review the report on the investigation of the home, if possible.
- 2. Upon receipt of written notice from any person other than the natural parent, the welfare division [shall contact] or licensed child-placing agency shall communicate with the natural parent to confirm his intention to place the child for adoption with the prospective adoptive parents identified in the written notice.
- [3. The welfare division shall, within 60 days after receipt of confirmation of the natural parents' intent to place the child for adoption and the completed application for adoption from the prospective adoptive parents, complete an investigation of the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive parents and may be a substitute for the investigation required to be conducted by the welfare division on behalf of the court when a petition for adoption is pending, if the petition for adoption is filed within 6 months after the completion of the investigation required by this subsection.
- 4. If the placement is to be made in a home outside of this state, the welfare division must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial

and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption, unless the child and one of the prospective adoptive parents are related within the third degree of consanguinity.

- 5. Pending completion of the required investigation, the child must be:
- (a) Retained by the natural parent; or
- (b) Placed by the natural parent with the welfare division and placed by the welfare division in a foster home licensed by it, until a determination is made by the welfare division concerning the suitability of the prospective adoptive parents.
- 6. Upon completion of the investigation, the welfare division shall forthwith inform the natural parent, the person recommending the placement and the prospective adoptive parents of the welfare division's decision to approve or deny the placement. If, in the opinion of the welfare division, the prospective adoptive home is:
- (a) Suitable, the natural parent may execute a consent to a specific adoption pursuant to NRS 127.053, if not previously executed and then the child may be placed in the home of the prospective adoptive parents for the purposes of adoption.
- (b) Unsuitable or detrimental to the interest of the child, the welfare division shall file an application in the district court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written consent to the specific adoption and order the return of the child to the care and control of the parent who

executed the consent, but if the parental rights of the parent have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parent does not wish to accept the child, then the court may order the placement of the child with the welfare division or with any licensed child-placement agency for adoption.

- 7. Whenever the welfare division believes that anyone has violated or is about to violate any of the provisions of this chapter, in addition to any other penalty or remedy provided:
- (a) The welfare division may petition the appropriate district court for an order to restrain and enjoin the violation or threatened violation of any of the provisions of this chapter, or to compel compliance with the provisions of this chapter; and
- (b) The court shall, if a child has been or was about to be placed in a prospective adoptive home in violation of the provisions of this chapter:
- (1) Prohibit the placement if the child was about to be so placed, or order the removal of the child if the child was so placed within 6 months before the filing of the welfare division's petition, and proceed pursuant to paragraph (b) of subsection 6; or
- (2) Proceed pursuant to paragraph (b) of subsection 6 in all other cases if the court determines that it is in the best interest of the child that the child should be removed.
- 8. Whenever the welfare division believes that a person has received for the purposes of adoption or permanent free care a child not related by blood, and when the written notice required by subsection 1 has not been received, and

the welfare division does not proceed pursuant to subsection 7, the welfare division shall make an investigation. Upon completion of the investigation, if the home is found suitable for the child, the prospective adoptive parents must be allowed 6 months from the date of completion of the investigation to file a petition for adoption. If a petition for adoption is not filed within that time a license as a foster home must thereafter be issued by the welfare division if the home meets established standards. If, in the opinion of the welfare division, the placement is detrimental to the interest of the child, the welfare division shall file an application with the district court for an order for the removal of the child from the home. If the court determines that the child should be removed, the court shall proceed pursuant to paragraph (b) of subsection 6.

- 9. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of this section is guilty of a gross misdemeanor.]
  - Sec. 10. NRS 127.310 is hereby amended to read as follows:
- 127.310 1. Except as otherwise provided in subsection 2 and NRS 127.240, 127.283 and 127.285, any person or organization other than the welfare division of the department of human resources who, without holding a valid unrevoked license to place children for adoption issued by the welfare division:
- [1.] (a) Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care; or
- [2.] (b) Advertises in any periodical or newspaper, or by radio or other public medium, that he will place children for adoption, or accept, supply,

provide or obtain children for adoption, or causes any advertisement to be published in or by any public medium soliciting, requesting or asking for any child or children for adoption,

is guilty of a misdemeanor.

- 2. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of NRS 127.280 and sections 2 and 3 of this act is guilty of a gross misdemeanor.
  - Sec. 11. NRS 422.283 is hereby amended to read as follows:
- 422.283 1. Except as otherwise provided in subsection 3, the welfare division may charge reasonable fees for the services it provides in placing, arranging the placement of or assisting in placing or arranging the placement of any child for adoption, and for conducting any investigation required [pursuant to NRS 127.280.] by section 2 of this act.
- 2. The fees charged for such services must vary based on criteria developed by the division, but must not exceed \$2,500. The division shall not discriminate between adoptions made through an agency and specific adoptions in setting its fees.
- 3. A fee must not be charged for services related to the adoption of a child with special needs.
- 4. The welfare division may waive or reduce any fee charged pursuant to subsection 1 if it determines that the adoptive parents are not able to pay the fee or the needs of the child require a waiver or reduction of the fee.

- 5. Any money collected pursuant to this section must be accounted for in the appropriate account of the welfare division and may be used only to pay for the costs of any adoptive or post-adoptive services provided by the division.
  - Sec. 12. NRS 424.090 is hereby amended to read as follows:
- 424.090 NRS 424.010 to 424.100, inclusive, [shall] do not apply to homes in which:
- 1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period of time, not to exceed 90 days.
  - 2. Care is provided by the legal guardian.
  - 3. Care is provided for an exchange student.
- 4. Care is provided to enable a child to take advantage of educational facilities that are not available in his home community.
- 5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as provided [for in NRS 127.280.] in section 3 of this act.

SUMMARY--Requires specified policies of insurance that provide coverage for birth of child to provide coverage for birth of child who is adopted by insured under certain circumstances. (BDR 57-409)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to insurance; requiring specified policies of insurance that provide coverage for the birth of a child to provide coverage for the birth of a child who is adopted by the insured under certain circumstances; and providing other matters properly relating thereto.

## THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

- 1. Except as otherwise provided in subsection 2, any policy of health insurance that provides coverage for the birth of a child must also provide substantially the same coverage for the birth of any child adopted by the insured if:
- (a) The adoption becomes final within 1 year from the date of the birth of the child:

- (b) The insured has decided to pay the medical expenses relating to the birth of the child in accordance with subsection 3 of NRS 127.287; and
- (c) The insured has notified the insurer that his home has been determined by the welfare division of the department of human resources to be suitable for placement of the child for adoption:
- (1) Within 60 calendar days after the date the welfare division has made its determination; or
- (2) If the insured has changed insurance policies, plans or companies after the date the welfare division has made its determination, within 60 calendar days after the effective date of the new coverage.
- 2. The coverage provided for in subsection 1 must include the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.
- 3. The coverage provided for in subsection 1 is excess to any coverage the natural mother may have for expenses relating to the birth of the child. If such coverage exists, the child-placing agency shall:
- (a) Arrange for payment by the insurer of the expenses that are covered under any policy of insurance of the natural mother.
- (b) Notify the adopting parent in writing of the existence and extent of the coverage without disclosing the identity of the natural mother or other confidential information.

As used in this subsection, "child-placing agency" has the meaning ascribed to it in NRS 127,220.

- 4. An adopting parent who receives notification of coverage relating to the birth of the child under any policy of insurance of the natural mother shall report the existence and extent of the coverage to his insurer.
- Sec. 2. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:
- 1. Except as otherwise provided in subsection 2, any policy of group health insurance that provides coverage for the birth of a child must also provide substantially the same coverage for the birth of any child adopted by the insured if:
- (a) The adoption becomes final within 1 year from the date of the birth of the child:
- (b) The insured has decided to pay the medical expenses relating to the birth of the child in accordance with subsection 3 of NRS 127.287; and
- (c) The insured has notified the insurer that his home has been determined by the welfare division of the department of human resources to be suitable for placement of the child for adoption:
- (1) Within 60 calendar days after the date the welfare division has made its determination; or
- (2) If the insured has changed insurance policies, plans or companies after the date the welfare division has made its determination, within 60 calendar days after the effective date of the new coverage.
- 2. The coverage provided for in subsection 1 must include the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

- 3. The coverage provided for in subsection 1 is excess to any coverage the natural mother may have for expenses relating to the birth of the child. If such coverage exists, the child-placing agency shall:
- (a) Arrange for payment by the insurer of the expenses that are covered under any policy of insurance of the natural mother.
- (b) Notify the adopting parent in writing of the existence and extent of the coverage without disclosing the identity of the natural mother or other confidential information.

As used in this subsection, "child-placing agency" has the meaning ascribed to it in NRS 127.220.

- 4. An adopting parent who receives notification of coverage relating to the birth of the child under any policy of insurance of the natural mother shall report the existence and extent of the coverage to his insurer.
- Sec. 3. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:
- 1. Except as otherwise provided in subsection 2, any policy of health insurance issued by a hospital or medical service corporation that provides coverage for the birth of a child must also provide substantially the same coverage for the birth of any child adopted by the subscriber if:
- (a) The adoption becomes final within 1 year from the date of the birth of the child;
- (b) The subscriber has decided to pay the medical expenses relating to the birth of the child in accordance with subsection 3 of NRS 127.287; and

- (c) The subscriber has notified the hospital or medical service corporation that his home has been determined by the welfare division of the department of human resources to be suitable for placement of the child for adoption:
- (1) Within 60 calendar days after the date the welfare division has made its determination; or
- (2) If the insured has changed insurance policies, plans or companies after the date the welfare division has made its determination, within 60 calendar days after the effective date of the new coverage.
- 2. The coverage provided for in subsection 1 must include the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.
- 3. The coverage provided for in subsection 1 is excess to any coverage the natural mother may have for expenses relating to the birth of the child. If such coverage exists, the child-placing agency shall:
- (a) Arrange for payment by the insurer of the expenses that are covered under any policy of insurance of the natural mother.
- (b) Notify the adopting parent in writing of the existence and extent of the coverage without disclosing the identity of the natural mother or other confidential information.

As used in this subsection, "child-placing agency" has the meaning ascribed to it in NRS 127.220.

4. An adopting parent who receives notification of coverage relating to the birth of the child under any policy of insurance of the natural mother shall

report the existence and extent of the coverage to the hospital or medical service corporation.

- Sec. 4. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:
- 1. Except as otherwise provided in subsection 2, any health maintenance plan that provides coverage for the birth of a child must also provide substantially the same coverage for the birth of any child adopted by the enrollee if:
- (a) The adoption becomes final within 1 year from the date of the birth of the child;
- (b) The enrollee has decided to pay the medical expenses relating to the birth of the child in accordance with subsection 3 of NRS 127.287; and
- (c) The enrollee has notified the health maintenance organization that his home has been determined by the welfare division of the department of human resources to be suitable for placement of the child for adoption:
- (1) Within 60 calendar days after the date the welfare division has made its determination; or
- (2) If the insured has changed insurance policies, plans or companies after the date the welfare division has made its determination, within 60 calendar days after the effective date of the new coverage.
- 2. The coverage provided for in subsection 1 must include the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

- 3. The coverage provided for in subsection 1 is excess to any coverage the natural mother may have for expenses relating to the birth of the child. If such coverage exists, the child-placing agency shall:
- (a) Arrange for payment by the insurer of the expenses that are covered under any policy of insurance of the natural mother.
- (b) Notify the adopting parent in writing of the existence and extent of the coverage without disclosing the identity of the natural mother or other confidential information.

As used in this subsection, "child-placing agency" has the meaning ascribed to it in NRS 127.220.

4. An adopting parent who receives notification of coverage relating to the birth of the child under any policy of insurance of the natural mother shall report the existence and extent of the coverage to the health maintenance organization.

SUMMARY--Permits natural and adoptive parents to choose whether and how much information to exchange. (BDR 11-403)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to adoption; permitting natural and adoptive parents to choose the extent of information to be exchanged; and providing other matters properly relating thereto.

## THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 127.230 is hereby amended to read as follows:

127.230 1. The welfare division of the department of human resources, with the approval of the state welfare board, shall:

- (a) Establish reasonable minimum standards for child-placing agencies.
- (b) [Prescribe rules for the regulation] Adopt regulations concerning the operation of child-placing agencies.
- (c) Adopt regulations establishing the procedure to be used in placing children for adoption, [including adoptions in] which must allow the natural parent or parents [have limited knowledge of] and the prospective adoptive parent or parents [.] to determine, by mutual consent, the amount of identifying information that will be communicated concerning each of them.

- 2. All licensed child-placing agencies shall conform to the standards established and the [rules prescribed] regulations adopted pursuant to subsection 1.
  - Sec. 2. NRS 127.250 is hereby amended to read as follows:
- 127.250 1. The application for a license to operate a child-placing agency shall be in a form prescribed by the welfare division of the department of human resources. The license shall state to whom it is issued and the fact that it shall be in force and effect for 1 year from the date of its issuance.
- 2. The issuance by the welfare division of the department of human resources of a license to operate a child-placing agency shall be based upon reasonable and satisfactory assurance to the division that the applicant for such license will conform to the standards established and the [rules prescribed] regulations adopted by the division as provided in NRS 127.230.
- 3. When the division is satisfied that a licensee is conforming to such standards and rules, it shall renew his license, and the license so renewed shall continue in force for 1 year from the date of renewal.

SUMMARY--Requires division of child and family services of department of human resources to take certain actions if powers and duties relating to investigation of prospective adoptive home are assigned to division. (BDR 11-410)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to adoption; requiring the division of child and family services of the department of human resources to establish criteria for investigating prospective adoptive homes and to provide prospective adoptive parents an opportunity to review an adverse investigation report if certain powers and duties relating to the investigation of prospective adoptive homes are assigned to the division; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:

If any of the powers and duties of the welfare division of the department of human resources relating to the investigation of a prospective adoptive home are assigned to the division of child and family services of the department pursuant

to subparagraph (1) of paragraph (a) of subsection 1 of NRS 232.463, the division of child and family services shall:

- 1. Adopt regulations setting forth the criteria to be used by the division of child and family services or a licensed child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption; and
- 2. If a determination is made pursuant to an investigation required by NRS 127.120 or 127.280, that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, provide the prospective adoptive parent or parents with an opportunity to review the report of such a determination with the division before it is submitted to the district court.

SUMMARY--Eliminates requirement that adoptive parents of child with special needs have limited financial resources to receive financial assistance. (BDR 11-404)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to adoption; eliminating the requirement that adoptive parents of a child with special needs have limited financial resources to receive grant of financial assistance from the welfare division of the department of human resources; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 127.186 is hereby amended to read as follows:

127.186 1. The welfare division of the department of human resources, or a child-placing agency licensed by the welfare division pursuant to this chapter, may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the welfare division or the licensed agency by proposed adoptive parents [of limited means] when, in the judgment of the welfare division or the licensed agency, it would be in the best interests of the child to be placed in that

adoptive home. [and it would be difficult to locate a suitable adoptive home where the adoptive parents would be capable of bearing the full costs of maintaining the child.]

- 2. The welfare division may grant financial assistance for attorney's fees and court costs in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents out of money provided for that purpose if [:
- (a) Due and diligent effort has been made by the welfare division or the licensed agency to locate a suitable adoptive home for the child where financial assistance would not be required; and
- (b) The] the state welfare administrator has reviewed and approved in writing the proposed adoption and grant of assistance.
- 3. The grant of financial assistance [grant] must be limited, both as to amount and duration, by agreement in writing between the welfare division and the adoptive parents. The agreement does not become effective until the entry of the order of adoption.
- 4. Any grant of financial assistance must be reviewed and evaluated at least once annually by the welfare division. The evaluation must be presented for approval to the state welfare administrator. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the welfare division that continued assistance is denied.
- 5. All financial assistance provided under this section ceases immediately when the child attains majority, becomes self-supporting, is emancipated or dies, whichever [is] occurs first.

6. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

SUMMARY--Authorizes acceptance of gifts and grants for production of booklet on adoption. (BDR 11-406)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to adoption; authorizing the welfare division of the department of human resources to accept gifts and grants to assist in the production of a booklet on adoption; and providing other matters properly relating thereto.

# THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 127.009 is hereby amended to read as follows:

127.009 1. The welfare division of the department of human resources shall prepare a booklet on adoption in this state which includes the following information:

- (a) The legal basis of adoption;
- (b) The purpose of adoption;
- (c) The process of adoption;
- (d) The number of children who are waiting to be adopted, including statistical information regarding:

- (1) The gender and ethnic background of the children who are waiting to be adopted;
- (2) The number of children placed in foster homes who are waiting to be adopted;
- (3) The number of children with special needs who are waiting to be adopted; and
  - (4) The number of siblings who are waiting to be adopted;
- (e) The name and location of agencies in Nevada that place children with adoptive parents;
  - (f) The number of prospective adoptive parents;
- (g) A comparison of Nevada to the surrounding states regarding the placement of children with adoptive parents; and
- (h) A comparison of the welfare division to other agencies located in Nevada regarding the placement of children with adoptive parents.
  - 2. The division shall:
  - (a) Revise the information in the booklet annually.
- (b) Distribute the booklet to persons and organizations whose patients or clients are likely to become involved with the process of adoption in this state. The booklet must also be distributed to prospective adoptive parents and natural parents giving children up for adoption.
- 3. The division may accept gifts and grants to assist in the production and distribution of the booklet.
  - 4. Any gift or grant received pursuant to subsection 3 must be:

- (a) Kept in a separate account in the department of human resources' gift fund. All claims against the account must be approved by the state welfare administrator before they are paid.
- (b) Used only for the production and distribution of the booklet prepared pursuant to this section.
  - Sec. 2. NRS 422.250 is hereby amended to read as follows:
- 422.250 1. [Any] Except as otherwise provided by NRS 127.009, any gifts or grants of money which the welfare division is authorized to accept must be deposited in the state treasury to the credit of the welfare division's gift and cooperative account in the department of human resources' gift fund.
- 2. Money in the account must be used for welfare purposes only and expended in accordance with the terms of the gift or grant.
  - 3. All claims must be approved by the administrator before they are paid.

SUMMARY--Requires relinquishments and consents to adoption to be witnessed by licensed clinical social worker and furnished to welfare division of department of human resources. (BDR 11-407)

FISCAL NOTE:

Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to adoption; requiring that a relinquishment or consent be witnessed by a disinterested licensed clinical social worker if available; requiring that a copy of the relinquishment be furnished to the welfare division of the department of human resources; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 127.053 is hereby amended to read as follows:

127.053 No relinquishment to an agency or consent to a specific adoption executed in this state, or executed outside this state for use in this state, is valid unless it:

- 1. Identifies the child to be *relinquished or* adopted by name, if any, [gender] sex and date of birth.
- 2. Is in writing and signed by the person relinquishing to the agency or consenting to the adoption as required in this chapter.

- 3. Is acknowledged by the person relinquishing or consenting and signing the relinquishment for or consent to adoption in the manner and form required for conveyances of real property by NRS 111.240 to 111.305, inclusive.
- 4. Contains, at the time of execution, the name of the agency to which the child is relinquished or the person or persons to whom consent to adopt the child is given.
- 5. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. [If] Except as otherwise provided in subsection 6, if neither the petitioner [or] nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a licensed clinical social worker employed by:
  - (a) The welfare division of the department of human resources;
  - (b) An agency licensed in this state to place children for adoption;
  - (c) A comparable state or county agency of another state; or
- (d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state [.], who is not employed by the agency accepting the relinquishment or placing the child for adoption.
- 6. The requirement of licensure as a clinical social worker and the disqualification through employment by an interested agency do not apply in a county where a person so licensed and qualified is not available when the relinquishment or consent is executed.
  - Sec. 2. NRS 127.055 is hereby amended to read as follows:

or consent to adoption may, at the request of the person or persons who executed the relinquishment or consent, make and sign an affidavit before any person authorized to administer oaths in this state, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment for or consent to adoption. The affidavit must be written on the relinquishment for or consent to adoption, or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment for or consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada	}
	}ss.
County of	}
	(Date)
Then and there perso	nally appeared the within-named and
, who, being dul	y sworn, depose and say: That they witnessed the
execution of the within rela	inquishment for or consent to adoption by
(name of person or person	s relinquishing or consenting); that she (he or they)
subscribed the relinauishm	nent for or consent to adoption and declared [the

same] it to be a voluntary relinquishment for or consent to adoption in their
presence; that at the time the relinquishment for or consent to adoption was
executed it contained the name of the agency to which the child was thereby
relinquished or the names of the person or persons to whom consent was
thereby given to adopt the child; that they thereafter subscribed [the same] it
as witnesses in the presence of (name of person or persons
relinquishing or consenting) and in the presence of each other and at the
request of (name of person or persons relinquishing or consenting);
that at the time of the execution of the relinquishment or consent to adoption
(name of person or persons relinquishing or consenting)
acknowledged to them that she (he or they) was (were), and she (he or they)
appeared to them to be, in full possession of her (his or their) faculties and not
under the influence of any drug or sedative or subject to any duress, fear,
menace, compulsion or undue influence whatever; and that they make this
affidavit at her (his or their) request.
Subscribed and sworn to before me this
day of, 19

Notary Public

Sec. 3. NRS 127.057 is hereby amended to read as follows:

- 127.057 1. Any person to whom a relinquishment for or consent to adoption executed in this state or executed outside this state for use in this state is delivered shall, within 48 hours after receipt of the executed relinquishment for or consent to adoption, furnish a true copy thereof to the welfare division of the department of human resources, together with a report of the permanent address of the person in whose favor the relinquishment or consent was executed.
- 2. Any person recommending in his professional or occupational capacity, the placement of a child for adoption in this state shall immediately notify the welfare division of the impending adoption.
- 3. All information received by the welfare division pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information concerning recipients of public assistance is protected under NRS 422.290.
- 4. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

SUMMARY--Prohibits persons and organizations not licensed to place children for adoption from advertising certain services relating to adoption of children. (BDR 11-405)

FISCAL NOTE:

Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to adoption; prohibiting persons and organizations not licensed by the welfare division of the department of human resources to place children for adoption from advertising certain services relating to the adoption of children; increasing the penalties for certain unlawful advertisements relating to the adoption of children; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 127.310 is hereby amended to read as follows:

127.310 Except as *otherwise* provided in NRS 127.240, 127.283 and 127.285, any person or organization other than the welfare division of the department of human resources who, without holding a valid unrevoked license to place children for adoption issued by the welfare division:

- 1. Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care [; or] is guilty of a misdemeanor.
- 2. Advertises in any periodical or newspaper, or by radio or other public medium, that he [will place children for adoption, or]:
- (a) Will place, accept, supply, provide or obtain children for adoption [, or causes];
- (b) Provides or is soliciting for the provision of advice, counseling or other services, including the provision of housing, living or travel expenses, relating to the adoption of a child; or
- (c) Arranges the placement of or assists in placing or in arranging the placement of, any child for adoption, is guilty of a gross misdemeanor.
- 3. Causes any advertisement to be published in or by any public medium soliciting, requesting or asking for any child or children for adoption [,] is guilty of a gross misdemeanor.

SUMMARY--Protects foster parents against certain civil liabilities.

(BDR 3-401)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to foster parents; providing immunity from or indemnity for certain liabilities; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

No action may be brought against a foster parent:

- 1. On behalf of a foster child or his natural parent to recover damages for injury sustained by the foster child as the result of an act or omission of the foster parent; or
- 2. On behalf of any other person to recover damages on account of an act or omission of a foster child,

unless the state is named a party defendant under NRS 41.031.

Sec. 2. NRS 41.0307 is hereby amended to read as follows:

- 41.0307 As used in NRS 41.031 to 41.039, inclusive [:], and section 1 of this act:
- 1. "Employee" includes an employee of a part-time or full-time board, commission or similar body of the state or a political subdivision of the state which is created by law.
- 2. "Employment" includes any services performed by an immune contractor.
- 3. "Foster child" means a child placed in a family foster home, as that phrase is defined in NRS 424.010, by or with the approval of the welfare division of the department of human resources.
- 4. "Foster parent" means, with respect to a particular foster child, a person licensed to conduct the family foster home in which the child is placed.
- 5. "Immune contractor" means any natural person, professional corporation or professional association which:
- (a) Is an independent contractor with the state pursuant to NRS 284.173; and
- (b) Contracts to provide medical services for the department of prisons.

  As used in this subsection, "professional corporation" and "professional association," have the meanings ascribed to them in NRS 89.020.
  - [4.] 6. "Public officer" or "officer" includes:
- (a) A member of a part-time or full-time board, commission or similar body of the state or a political subdivision of the state which is created by law.
- (b) A public defender and any deputy or assistant attorney of a public defender.

- Sec. 3. NRS 41.031 is hereby amended to read as follows:
- 41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, section 1 of this act and subsection 3 of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive, and section 1 of this act or the limitations of NRS 41.010. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the state, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, and subsection 3 of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.
- 2. An action may be brought under this section, in a court of competent jurisdiction of this state, against the State of Nevada, any agency of the state, or any political subdivision of the state. In an action against the state or any agency of the state, the State of Nevada must be named as defendant, and the summons and a copy of the complaint must be served upon the secretary of state. The secretary of state shall deliver a copy of the complaint to the risk management division of the department of administration.
- 3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.
  - Sec. 4. NRS 41.0338 is hereby amended to read as follows:

41.0338 As used in NRS 41.0339 to 41.0349, inclusive, "official attorney" means:

- 1. The attorney general, in an action which involves a present or former legislator, officer or employee of this state, immune contractor, *foster parent* or member of a state board or commission.
- 2. The chief legal officer or other authorized legal representative of a political subdivision, in an action which involves a present or former officer or employee of that political subdivision or a present or former member of a local board or commission.

#### Sec. 5. NRS 41.0339 is hereby amended to read as follows:

41.0339 The official attorney shall provide for the defense, including the defense of cross-claims and counterclaims, of any present or former officer or employee of the state or a political subdivision, immune contractor, foster parent or state legislator in any civil action brought against that person based on any alleged act or omission relating to his public duties or employment or the relation of foster parent to foster child if:

- 1. Within 15 days after service of a copy of the summons and complaint or other legal document commencing the action, he submits a written request for defense:
  - (a) To the official attorney; or
- (b) If the officer, employee or immune contractor has an administrative superior, to the administrator of his agency and the official attorney; and
- 2. The official attorney has determined that the act or omission on which the action is based appears to be within the course and scope of public duty or

employment or the relation of foster parent to foster child and appears to have been performed or omitted in good faith.

- Sec. 6. NRS 41.0341 is hereby amended to read as follows:
- 41.0341 If the complaint is filed in a court of this state:
- 1. The officer, employee, [board or commission] immune contractor, foster parent, member of a board or commission or legislator; and
- 2. The state or any political subdivision named as a party defendant, [each] have 45 days after their respective dates of service to file an answer or other responsive pleading.
  - Sec. 7. NRS 41.0346 is hereby amended to read as follows:
- 41.0346 1. At any time after the official attorney has appeared in any civil action and commenced to defend any person sued as a public officer, employee, immune contractor, *foster parent*, member of a board or commission, or legislator, the official attorney may apply to any court to withdraw as the attorney of record for that person based upon:
- (a) Discovery of any new material fact which was not known at the time the defense was tendered and which would have altered the decision to tender the defense;
- (b) Misrepresentation of any material fact by the person requesting the defense, if that fact would have altered the decision to tender the defense if the misrepresentation had not occurred;
- (c) Discovery of any mistake of fact which was material to the decision to tender the defense and which would have altered the decision but for the mistake;

- (d) Discovery of any fact which indicates that the act or omission on which the civil action is based was not within the course and scope of public duty or employment or the relation of foster parent to foster child or was wanton or malicious;
- (e) Failure of the defendant to cooperate in good faith with the defense of the case: or
- (f) If the action has been brought in a court of competent jurisdiction of this state, failure to name the state or political subdivision as a party defendant, if there is sufficient evidence to establish that the civil action is clearly not based on any act or omission relating to the defendant's public duty or employment [.] or the relation of foster parent to foster child.
- 2. If any court grants a motion to withdraw on any of the grounds set forth in subsection 1 brought by the official attorney, the state or political subdivision has no duty to continue to defend any person who is the subject of the motion to withdraw.
  - Sec. 8. NRS 41.0347 is hereby amended to read as follows:
- 41.0347 If the official attorney does not provide for the defense of a present or former officer, employee, immune contractor, *foster parent*, member of a board or commission of the state or any political subdivision or of a legislator in any civil action in which the state or political subdivision is also a named defendant, or which was brought in a court other than a court of competent jurisdiction of this state, and if it is judicially determined that the injuries arose out of an act or omission of that person during the performance of any duty within the course and scope of his public duty or employment *or the relation*

of foster parent to foster child and that his act or omission was not wanton or malicious:

- 1. If the attorney general was responsible for providing the defense, the state is liable to that person for reasonable expenses in prosecuting his own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the state board of examiners, from the reserve for statutory contingency account.
- 2. If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on his own defense, including court costs and attorney's fees.

#### Sec. 9. NRS 41.03475 is hereby amended to read as follows:

41.03475 No judgment may be entered against the State of Nevada or any agency of the state or against any political subdivision of the state for any act or omission of any present or former officer, employee, immune contractor, foster parent, member of a board or commission, or legislator which was outside the course and scope of his public duties or employment [.] or the relation of foster parent to foster child.

### Sec. 10. NRS 41.0348 is hereby amended to read as follows:

41.0348 In every action or proceeding in any court of this state in which both the state or political subdivision and any present or former officer, employee, immune contractor, *foster parent* or member of a board or commission thereof or any present or former legislator are named defendants, the court or jury in rendering any final judgment, verdict, or other disposition

shall return a special verdict or decision in the form of written findings which determine whether:

- 1. The individual defendant was acting within the scope of his public duty or employment [;] or the relation of foster parent to foster child; and
- 2. The alleged act or omission by the individual defendant was wanton or malicious.
  - Sec. 11. NRS 41.0349 is hereby amended to read as follows:

41.0349 In any civil action brought against any present or former officer, employee, immune contractor, *foster parent*, member of a board or commission of the state or a political subdivision or state legislator, in which a judgment is entered against the defendant based on any act or omission relating to his public duty or employment [,] or the relation of foster parent to foster child, the state or political subdivision shall indemnify him unless:

- 1. The person failed to submit a timely request for defense;
- 2. The person failed to cooperate in good faith in the defense of the action;
- 3. The act or omission of the person was not within the scope of his public duty or employment [;] or the relation of foster parent to foster child; or
  - 4. The act or omission of the person was wanton or malicious.
  - Sec. 12. NRS 41.035 is hereby amended to read as follows:
- 41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the state or any political subdivision, immune contractor, foster parent or state legislator arising out of an act or omission within the scope of his public duties or employment or the relation of foster parent to foster child may not exceed

the sum of \$50,000, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

- 2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:
- (a) Any public or quasi-municipal corporation organized under the laws of this state.
- (b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.
- (c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

The legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other waters owned or controlled by any public or quasi-municipal agency or corporation of this state, wherever such land or water may be situated.

3. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort arising out of any act or omission within the scope of the public duties or employment of any present or former officer or employee of the state or of any political

subdivision, immune contractor or state legislator [.] or the relation of foster parent to foster child.

Sec. 13. NRS 41.037 is hereby amended to read as follows:

41.037 Upon receiving the report of findings as provided in subsection 2 of NRS 41.036, the state board of examiners may allow and approve any claim or settle any action against the state, any of its agencies or any of its present or former officers, employees, immune contractors, foster parents or legislators arising pursuant to NRS 41.031 to the extent of \$50,000, plus interest computed from the date of judgment. Upon approval of any claim by the state board of examiners, the state controller shall draw his warrant for the payment thereof, and the state treasurer shall pay the claim from the fund for insurance premiums or from the reserve for statutory contingency account. The governing body of any political subdivision whose authority to allow and approve claims is not otherwise fixed by statute may allow and approve any claim or settle any action against that subdivision or any of its present or former officers or employees arising under NRS 41.031 to the extent of \$50,000, plus interest computed from the date of entry of any judgment, and pay it from any money appropriated or lawfully available for that purpose.

Sec. 14. NRS 41.038 is hereby amended to read as follows:

- 41.038 1. The state and any local government may:
- (a) Insure itself against any liability arising under NRS 41.031.
- (b) Insure any of its officers, employees, [or] immune contractors or foster parents against tort liability resulting from an act or omission in the scope of his employment [.] or the relation of foster parent to foster child.

- (c) Insure against the expense of defending a claim against itself or any of its officers, employees, [or] immune contractors or foster parents whether or not liability exists on such a claim.
- 2. Any school district may insure any peace officer, requested to attend any school function, against tort liability resulting from an act or omission in the scope of his employment while attending such a function.
  - 3. As used in this section:
- (a) "Insure" means to purchase a policy of insurance or establish a self-insurance reserve or fund, or any combination thereof.
- (b) "Local government" means every political subdivision and every other governmental entity in this state.

SUMMARY--Provides cost-of-living increases for reimbursements paid foster parents. (BDR 38-490)

FISCAL NOTE:

Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to foster parents; providing for cost-of-living increases for reimbursements paid to a foster parent by the welfare division of the department of human resources; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

If the welfare division of the department of human resources provides reimbursement to a foster parent for board, care, school supplies and clothing provided to a child, the division shall increase that reimbursement annually to reflect an increase in the cost of living. The increase must be equivalent to the annual percentage increase as determined in the Consumer Price Index (All Urban Consumers) published by the United States Department of Labor for the calendar year preceding the calendar year in which the reimbursement is provided.

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#### APPENDIX D

Individuals providing testimony to the committee:

Andy Anderson Pro-Life

Christian Anderson, Director LDS Social Services, Las Vegas

Deanne Blazzard, President Foster Parents of Southern Nevada

Pam Bugge Adoptive Family Network

Tim Burge, Supervisor Nevada Youth Parole Bureau

Rob Calderone, Director Washoe County Juvenile Services

Mike Capello, Program Specialist Division of Child and Family Services

Paula Castle Alliance for Mentally III Children and Adolescents in Nevada

Bob Cavakis, Director Division of Child and Family Services - Youth Corrections

Kathleen Churchill Adoptive Family Network

Ron Crook, Project Director State Public Works Board

Ian Curley, Juvenile Probation Officer Carson City and Storey Counties

Claude Foreman Concerned Parent Mark and Tera Forest Prospective Adoptive Parents

Patricia Glenn, President of the Board of Trustees Casa de Vida Home for Pregnant Girls, Reno

Jerry Griepentrog, Director Department of Human Resources

Janine Hansen, President Nevada Eagle Forum

Pat Hedgecoth, Chief Division of Child and Family Services - Child Care Licensing Bureau

Sandi Hyde, Probation Officer Sixth Judicial District Court

Meta-Marie Lorigan, Adoption Director Northern Nevada Catholic Community Services

Denise Martin, Instructor for Assault Prevention Programs St. Mary's Hospital, Reno

Kathy Milbeck, Assistant Clinical Professor UNR School of Medicine

Dr. Christa Peterson, Deputy Administrator Division of Child and Family Services

Marcella Peterson, Probation Supervisor Clark County Juvenile Court Services

Thom Reilly, Deputy Administrator Division of Child and Family Services

John Sarb, Administrator Division of Child and Family Services

Wanda Scott, Adoption Specialist Division of Child and Family Services

Judge Miriam Shearing
Clark County Juvenile Court

Linda Shoemaker Mother of Teenage Girl who gave Child up for Adoption

Bill Suddeth Foster Parents of Southern Nevada

Yvonne Sylva State Health Division

Bob Teuton, Assistant Director Clark County Juvenile Court Services

Senator Dina Titus

Tim Yardic, Detective Youth Crimes Division, Reno Police Department

Foster Care Teenagers from Northern Nevada

Ben Bargas Christine Cordero

Foster Care Teenagers from Southern Nevada

Anthony Bush Deanna Edlin Steve Foutty Christina Nieman Carl Reed